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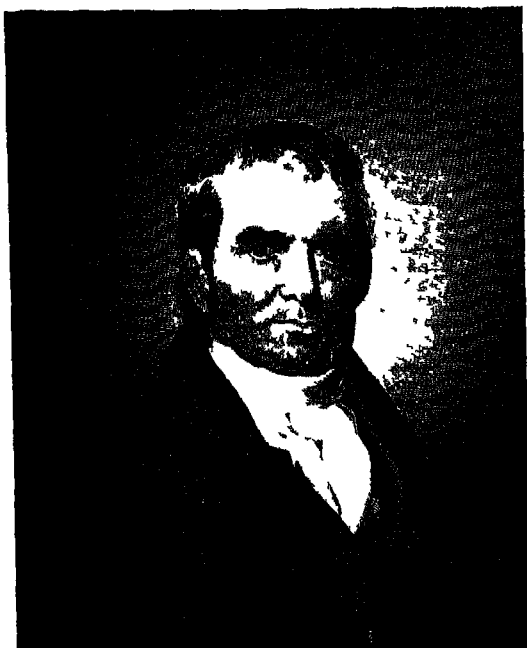
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*J Marshall*

Sample bust of *De Luxe*, autograph, edition of engravings of 14: "Eminent  
American, English and Canadian Jurists"

LIFE SKETCHES  
OF  
EMINENT LAWYERS

AMERICAN, ENGLISH AND CANADIAN,

TO WHICH IS ADDED

THOUGHTS, FACTS AND FACETIÆ.

---

IN TWO VOLUMES.

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BY

GILBERT J. CLARK, ESQ.,

OF THE KANSAS CITY BAR; AUTHOR OF ENGRAVINGS OF 144 "EMINENT  
AMERICAN, ENGLISH AND CANADIAN LAWYERS,"

IN TWO EDITIONS.

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KANSAS CITY, MO  
LAWYERS INTERNATIONAL PUBLISHING CO  
1895.



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1895.

## ENGRAVINGS OF 144 EMINENT LAWYERS,

TO WHICH THE

"LIFE-SKETCHES, THOUGHTS, ETC.", ARE A KEY.

### COMPREHENSIVENESS OF THE COLLECTION.

It will be observed from the foregoing Contents that the Engravings contain a representative, usually two or more, from nearly every State; all members of the United States Supreme Court—Blanchford (deceased), Brewer, Brown, Field, Fuller, Gray, Harlan, Jackson, Shuvas, all Chief Justices of that tribunal—Jay, Rutledge, Ellsworth, Marshall, Taney, Chase, Waite, Fuller; nine ex-Associate Justices of that Court—Story, Curtis, Campbell, Clifford, Swayne, Miller, Matthews, Bradley, Lamar, nine who have declined that high office—Clay, Sergeant, Binney, Choate (Rufus), Benjamin, Conkling, Edmunds, Garland and Carter (the last two are said to have declined that position), Stanton, who died after appointment and before taking the oath of office; eleven ex-Attorney Generals of the United States—Paisons (who was offered the position by Adams, but declined), Pinkney, Wirt, Taney, Clifford, Johnson, Black, Stanton, Evarts, MacVeagh, Garland, two ex-Presidents—Lincoln and Harrison, six Secretaries of State—Marshall, Clay, Webster, Calhoun, Evarts, Gresham, Cleveland's ex-Attorney General, ex-Minister to England, and ex-Secretary of the Interior—Garland, Phelps, and Lamar; all Arbitrators of the English-speaking people composing the Behning Sea Tribunal—Harlan and Morgan on behalf of the United States, and Hannen and Thompson on behalf of Great Britain, four counselors before that tribunal—Phelps and Carter for the United States, and Russell and Webster for England, all counselors, with one exception, before the Geneva Tribunal—Evarts and Waite on behalf of the United States, and Selborne on behalf of Great Britain, Sir John D. S. Thompson, late Premier of Can-

ada; Sir A. Lacoste, Chief Justice of Quebec; Lord Herschell, and Lord Charles Russell, the Lord Chancellor, and the Lord Chief Justice, respectively, of England; the four great past Chief Justices of England—Coke, Hale, Holt, and Mansfield; the three renowned advocates of England, Ireland and America—Erskine, Curran, and Choate; the world's famous Chief Justices—Mansfield and Marshall; its learned Chancellors—Hardwicke and Kent; its code reformers—Selborne and Field; its legal authors—Littleton, Coke, Blackstone, Kent, Story, Curtis, Sharswood, Benjamin, Pomeroy, Dillon, Daniels, Holmes; its matchless orators—Erskine, Curran, Choate, Brady, McSweeney, Ingersoll and McCarthy; its verdict-winners—Choate, Prentiss, Porter, Clarke, and Blake; its present scholarly trial lawyers—Carter, Choate, Russell, James, Blake, and Irvine.

#### ITS VALUE AS A WORK OF ART.

Most copy of living men have been gotten by the author directly from the person appearing, together with his autograph, hence is authentic; that of those deceased, from a relative, friend, admirer, or the most reliable connoisseurs of portraits and autographs—in many cases expensive and difficult to get.

The likeness of Mason is from a three hundred dollar painting in the possession of the family; that of Benjamin from a fifty dollar steel print, owned by Callahan and Company, of Chicago; that of Lincoln from a thirty dollar copyrighted portrait; that of Blackstone from a painting by Whitechurch; that of Mansfield from an original painting by Sir Joshua Reynolds; that of Webster from a painting (standing figure) by Chester Harding; that of Marshall from a painting by Inman; Jay and Pinkney from original paintings by Chappell; Clay, Calhoun and Meredith from daguerrotypes by Brady; that of Rufus Choate from an engraving by John Sartain, of Philadelphia; that of Sir Matthew Hale from the original painting in the library of Lincoln's Inn; that of Lord Holt from an original picture in the possession of Lord Hardwicke's heirs; those of Chancellor Kent and Brady from engravings by George Perine; that of Luther Martin from a painting in the possession of J. Purvance, Esq., of Baltimore; those of Edwin M. Stanton and David Dudley Field from engravings by A. H. Ritchie; that of S. S. Prentiss from an engraving by J. P. Ourdan; those of Littleton, Eldon, Ellenborough and Erskine from steel engravings by Wellstood and Company, of New York; that of Stephen A. Douglas from an engraving by S. C. Buttre; those of Binney

Cadwalder and Brewster from photographs of F. Gutekunst, of Philadelphia; those of Gray, Blatchford, Evarts, Ingersoll, Brewer and Fuller by Sarony, of New York; those of Harlan, Brown, Shiras, Edmunds and Davis by Bell, of Washington, D. C.; those of J. S. Black and Roscoe Conkling from photographs furnished by their widows; that of John A. Campbell from a photograph furnished by a daughter; those of John Norton Pomeroy, Matthew H. Carpenter, E. C. Ryan and James V. Campbell from photographs furnished by their sons, respectively; those of the living English bench and bar from photographs obtained through the Company's London agents.

All autographs, with a few exceptions, are from original signatures many costly and difficult to obtain—that of Blackstone alone costing thirty dollars—and others were obtained after careful research from the records of the Supreme Court of the United States. The Engravings will never fade or turn yellow like an ordinary photograph. Over one thousand dollars were paid a Philadelphia portrait expert to treat the copy before plates were made, so that a uniform, harmonious picture would be produced. Being a reproduction—but the looking in a mirror—the faces are the most perfect possible.



# CONTENTS.\*

## VOL. I.

	Page.
Bartlett, Sidney, Massachusetts,	1
Beach, William A. New York,	3
Beckwith, Corydon, Illinois,	7
Benjamin, Judah P., Louisiana,	9
Binney, Horace, Pennsylvania,	13
Black, Francis M., Missouri,	20
Black, Jeremiah S., Pennsylvania,	23
Blackstone, William, England,	30
Blake, Sir Edward, Ontario,	36
Blatchford, Samuel, New York,	38
Bleckley, Logan E., Georgia,	40
Bowen, Charles S. C., England,	45
Bradley, Joseph P., New Jersey,	48
Brady, James T., New York,	56
Brewer, David J., Kansas,	60
Brewster, Benjamin H., Pennsylvania,	63
Broadhead, James O., Missouri,	71
Brown, Joseph E., Georgia,	73
Brown, Henry B., Michigan,	77
Butler, Benjamin F., Massachusetts,	80
Cadwalder, John, Pennsylvania,	94
Calhoun, John C., South Carolina,	96
Campbell, John A., Louisiana,	103
Campbell, James V., Michigan,	106
Carlisle, John G., Kentucky,	109
Carpenter, Matthew H., Wisconsin,	114
Carter, James C., New York,	130
Chase, Salmon P., Ohio,	133
Choate, Joseph H., New York,	142
Choate, Rufus, Massachusetts,	145
Clarke, Sir Edward, England,	155
Clay, Henry, Kentucky,	158
Clifford, Nathan, Maine,	171

---

\*The Portrait of each person sketched in Vol. I is given in "Series A" of our *De Luxe* Autograph Edition of engravings of 144 "Eminent American, English and Canadian Lawyers."

	Page
Coke, Sir Edward, England, . . . . .	173
Coke, Richard, Texas, . . . . .	182
Cole, Chester C., Iowa, . . . . .	184
Coleridge, Lord John, England, . . . . .	186
Conkling, Roscoe, New York, . . . . .	193
Cooley, Thomas M., Michigan, . . . . .	204
Cooper, William F., Tennessee, . . . . .	207
Curran, John Philpot, Ireland, . . . . .	209
Curtis, Benjamin R., Massachusetts, . . . . .	229
Curtis, George M., New York, . . . . .	237
Daniel, John W., Virginia, . . . . .	241
Davis, Cushman K., Minnesota, . . . . .	244
Dillon, John F., New York, . . . . .	248
Dolph, Joseph N., Oregon, . . . . .	257
Douglas, Stephen A., Illinois, . . . . .	261
Edmunds, George F., Vermont, . . . . .	268
Eldon, Lord, England, . . . . .	271
Ellenborough, Lord, England, . . . . .	282
Ellsworth, Oliver, Connecticut, . . . . .	289
Erskine, Lord Thomas, England, . . . . .	292
Evarts, William M., New York, . . . . .	304
Field, David Dudley, New York, . . . . .	314
Field, Stephen J., California, . . . . .	322
Frye, William P., Maine, . . . . .	327
Fuller, Melville W., Illinois, . . . . .	331
Fullerton, William, New York, . . . . .	334
Garland, Augustus H., Arkansas, . . . . .	336
George, James Z., Mississippi, . . . . .	339
Gibson, John B., Pennsylvania, . . . . .	341
Goudy, William C., Illinois, . . . . .	347
Gray, Horace, Massachusetts, . . . . .	349
‡Gresham, Walter Q., Indiana, . . . . .	352
Hale, Sir Matthew, England, . . . . .	354
Hall, John S., Quebec, . . . . .	360
Hannen, Sir James, England, . . . . .	362
Hardwicke, Lord, England, . . . . .	364

---

‡Portrait does not appear in "Popular Edition" of engravings.

# CONTENTS.†

## VOL. II.

	Page
Harlan, John M., Kentucky, . . . . .	1
Harrison, Benjamin, Indiana, . . . . .	3
Hawkins, Sir Henry, England, . . . . .	6
Herschell, Lord Farrar, England, . . . . .	10
Hoadly, George, New York, . . . . .	12
Hoar, George F., Massachusetts, . . . . .	16
Holmes, Oliver W. Jr., Massachusetts, . . . . .	20
Holt, Lord John, England, . . . . .	24
Ingersoll, Robert G., New York, . . . . .	28
Irvine, George, Quebec, . . . . .	36
Jackson, Howell E., Tennessee, . . . . .	38
James, Sir Henry, England, . . . . .	40
Jay, John, New York, . . . . .	42
Jewett, John N., Illinois, . . . . .	49
Johnson, Reverdy, Maryland, . . . . .	51
Kent, James, New York, . . . . .	55
Lacoste, Alexander L., Quebec, . . . . .	61
Lafamme, R., Quebec, . . . . .	63
Lamar, L. Q. C., Mississippi, . . . . .	65
Leonard, Abiel, Missouri, . . . . .	75
Lincoln, Abraham, Illinois, . . . . .	79
Littleton, Lord Thomas, England, . . . . .	99
McCarthy, D'Alton, Ontario, . . . . .	102
McSweeney, John, Ohio, . . . . .	104
MacVeagh, Wayne, Pennsylvania, . . . . .	114
Mansfield, Lord, England, . . . . .	116
Marshall, John, Virginia, . . . . .	125
Martin, Luther, Maryland, . . . . .	133
Mason, Jeremiah, Massachusetts, . . . . .	141
Matthews, Stanley, Ohio, . . . . .	149
Meredith, William M., Pennsylvania, . . . . .	151

†The portrait of each person sketched in Vol. II is given in "Series B" of our *De Luzo* Autograph Edition of engravings of 144 "Eminent American, English and Canadian Lawyers" (except Mr. Justice Harlan, ex-President Harrison and Sir Henry Hawkins, which appear in "Series A," and Daniel W. Voorhees and Mr. Justice White); and the portraits of all persons sketched in Volumes I and II (except W. Q. Gresham and Mr. Justice White) are given in the Popular Edition.



	Page.
Miller, Samuel F., Iowa, . . . . .	155
Mitchell, John H., Oregon, . . . . .	162
Morgan, John T., Alabama, . . . . .	164
O'Connor, Charles, New York, . . . . .	168
Osler, B. B., Ontario, . . . . .	175
Parker, Cortlandt, New Jersey, . . . . .	177
Parker, Joel, New Hampshire, . . . . .	181
Parsons, Theophilus, Massachusetts, . . . . .	185
Peck, George R., Kansas, . . . . .	198
Phelps, Edward J., Vermont . . . . .	201
Pinkney, William, Maryland, . . . . .	204
Pomeroy, John Norton, California, . . . . .	219
Porter, John K., New York, . . . . .	221
Prentiss, S. S., Mississippi, . . . . .	225
Pryor, Roger A., New York, . . . . .	237
Rose, U. M., Arkansas, . . . . .	239
Russell, Lord Charles, England, . . . . .	241
Rutledge, John, South Carolina, . . . . .	246
Ryan, Edward G., Wisconsin, . . . . .	249
Schenck, David, North Carolina, . . . . .	255
Selborne, Lord, England . . . . .	257
Semmes, Thomas J., Louisiana, . . . . .	259
Sergeant, John, Pennsylvania, . . . . .	261
Sharswood, George, Pennsylvania, . . . . .	264
Shaw, Lemuel, Massachusetts, . . . . .	268
Shellabarger, Samuel, District of Columbia . . . . .	274
Shiras, George, Jr., Pennsylvania, . . . . .	277
Stanton, Edward M., Ohio, . . . . .	280
Story, Joseph Massachusetts, . . . . .	294
Swayne, Noah H., Ohio, . . . . .	301
Swayne, Wager, New York, . . . . .	303
Taney, Roger B., Maryland, . . . . .	305
Teller, Henry M., Colorado, . . . . .	313
Thompson, Sir John, Canada, . . . . .	315
Thurman, Allen G., Ohio, . . . . .	317
Thurston, John M., Nebraska, . . . . .	321
Trumbull, Lyman, Illinois, . . . . .	325
Tucker, John Randolph, Virginia, . . . . .	331

# CONTENTS.

xi

	Page.
‡Voorhees, Daniel W., Indiana, . . . . .	334
Waite, Morrison R., Ohio, . . . . .	338
Webster, Daniel, Massachusetts, . . . . .	341
Webster, Sir Richard, England, . . . . .	359
§White, Edward D., Louisiana, . . . . .	362
Wirt, William, Maryland, . . . . .	364
Wolcott, Edward O., Colorado, . . . . .	377
Woolworth, James M., Nebraska, . . . . .	382

---

‡Portrait does not appear in *De Luxe* Autograph Edition of engravings.

§Portrait is not given in either edition of engravings.



## ILLUSTRATIONS.

### VOL. I

	PAGE
"Series A" of <i>De Luxe</i> Engravings (greatly reduced)	Frontispiece
DAVID JOSIAH BREWER, Associate Justice	60
HENRY BILLINGS BROWN, Associate Justice	77
STEPHEN JOHNSON FIELD, Associate Justice	322
MELVILLE WESTON FULLER, Chief Justice	331
HORACE GRAY, Associate Justice	349

### VOL. II

JOHN MARSHALL, Ex Chief Justice	Frontispiece
JOHN MARSHALL HARLAN, Associate Justice	1
HOWELL EDMUNDS JACKSON, Associate Justice	38
GEORGE SHIRAS, Jr., Associate Justice	277
EDWARD DOUGLASS WHITE, Associate Justice .	362

"It is generally supposed that where there is no quotation there will be found most originality. The great part of our writers have, in consequence, become so original that no one cares to imitate them; and those who never quote, in return are seldom quoted."—*Isaac Disraeli.*

LIFE-SKETCHES,  
THOUGHTS, FACTS AND FACETIÆ  
OF  
EMINENT LAWYERS.



JOHN MARSHALL HARLAN,  
Associate Justice of the United States Supreme Court  
From a Photograph by Bill Washington, D. C.

## JOHN MARSHALL HARLAN, KENTUCKY.

(1833- —)

Associate Justice of the United States Supreme Court, by appointment of President Hayes, November 29, 1877, to succeed Mr. Justice Davis. He was born in Boyle county, Kentucky, June 1, 1833. His father, James Harlan, was a distinguished lawyer, member of Congress, and Attorney General of Kentucky. Mr. Harlan is also the father-in-law of Robert Lincoln. He graduated from Centre College, Kentucky, at seventeen, prepared for the bar, under two of the State's greatest Chief Justices, Robertson and Marshall, at Transylvania University; was admitted in 1853, and located in Louisville. At twenty-five he was elected judge of Franklin county. Became Colonel and Brigadier General on the Union side during the war. Was State Attorney General, 1863-7; was twice defeated as Republican nominee for Governor; refused a foreign mission under President Hayes; and was made Supreme Judge at forty-four—but seven judges ascending that bench at an earlier age.



He is now professor of constitutional law and public and private international law at the Columbian University, Washington, D. C. He was recently arbitrator with Senator Morgan on behalf of the United States, in the Behring Sea case at Paris, in which connection, the London Spectator said: "Mr. Justice Harlan has shown that he would no more lean toward America, than he would toward the side of his own State in a case argued before him in the Supreme Court at Washington." Before coming to the bench he had acquired wide celebrity as an orator, and was known as one of the ablest lawyers in Kentucky. Of strong, vigorous constitution, he has grown yearly in judicial reputation. Is careful in preparation, clear in style, select in the use of words, and prompt in decision. He has delivered 465 decisions (95-154 U. S.), including 79 dissents, the most notable being the Civil Rights cases (109 U. S., 3), in which he held "the deprivation of the rights involved was an incident of slavery." In every opinion involving private rights he has exhibited a desire to wipe away technicalities preventing equity and justice.

**BENJAMIN HARRISON, INDIANA.**

(1833- —)

Twenty-third President of the United States. Born at North Bend, Ohio, August 20, 1833. Son of a farmer and grandson of William Henry Harrison. Graduated at nineteen, fourth in his class, from Miami University, having as classmates, Milton Saylor and David Swing. Entered the law office of Stover and Gwynne, Cincinnati. Was admitted and married before twenty-one. Lived in a three-roomed house and struggled with poverty, but within a year had acquired sufficient standing to be employed by the Governor in a legislative investigation. In 1860 he was elected Reporter of the Supreme Court, and edited volumes 15, 16 and 17 of the Indiana reports. Before the end of his term, he entered the Union army where he became Brigadier General. While in the field, he was re-elected to the reportership, and upon his return edited volumes 23-29 inclusive. Formed the law partnership of Porter, Harrison and Fishback. In 1876 he was defeated by a small majority for Governor of Indiana. In 1880, declined a Cabinet

position under President Garfield, and was elected to the United States Senate; between which time and 1889, he achieved his greatest legal victories, notable among which are the Milligan case in the Federal Court, and the case of Robertson v. State ex rel. Smith, 109 Ind. 79, both involving grave Constitutional questions. In 1888, he was elected to the Presidency by the Republicans, but was defeated in 1892, under the leadership of Grover Cleveland.

Mr. Harrison is noted in the profession as a speaker of great power, going directly to the point in issue and keeping the question involved constantly before the court. The one hundred and forty-nine speeches delivered in 1891, while on a tour through the South and Southwest are unprecedented for fertility, felicity and adaptability. He has recently delivered a course of lectures on Constitutional law at Leland Stanford, Jr., University, California. He is five feet seven in stature, of modest manner, even diffident, and is of pleasing voice and look.

#### What to do With Our Ex-Presidents.

When ex-President Harrison prepared to deliver his second lecture at Stanford University, he an-

nounced that he would give a digest of about fourteen hundred words to the public press, and no reporter would be admitted without his promise not to take additional notes for publication. He said that he proposed to publish his lectures, and as he had copyrighted them, he naturally desired to get any benefit there might be from their sale. Despite this, one reporter smuggled in a stenographer, and his paper printed the full report the next day. In repeating this lecture General Harrison, in a prelude, said: "Some of our newspaper friends have greatly exercised themselves over the question, 'What shall we do with our ex-Presidents?' It is a question that has never troubled me much, and I have never felt called upon before to offer this solution, which will be perfect, so far as I am concerned—do not steal what belongs to them. That will answer all the requirements in my case."

#### Would Admit That He is a Great Lawyer.

During a lull in an Indiana court, one of the lawyers made the assertion that General Harrison was the greatest lawyer this country has produced. The judge smiled and said, "I think, Brother Blank, you would have hard work to prove that." "I don't have to prove it," replied the lawyer, "Harrison would admit it."

1

## SIR HENRY HAWKINS, ENGLAND.

(1816- —)

Judge of the High Court of Justice (Queen's Bench Division). Born at Hitchin, England, in 1816. He was educated at Bedford Schools, entered the Middle Temple, and was a diligent pleader before his call to the bar in 1843. He acquired a large practice within two years after coming to the profession. Took silk in 1858, after which he was engaged in nearly every case that came before the higher courts. He was junior counsel in 1848 to Sir Frederick Thesiger in the *Burdett Coutts* case, successfully prosecuting Richard Dunn, who had for years pestered Miss Coutts with professions of love. He was with Sergeant Byles in the defense of Sir John Dean Paul; defended Pollard for defrauding Prince Louis Napoleon; was counsel for Mr. W. H. Smith, First Lord of the Treasury, whose seat was contested by the Liberals of Westminster, and seated his client; was with Edwin James in the successful defense of Simon Bernard for participating in the plot of Orsini; assisted the late Lord Chief Justice Bovill in the great

Roupell forgery cases; led the defense in the famous convent case of *Saurin v. Starr*, being matched against Lord Coleridge; was with Coleridge in the first Tichborne trial, and made his reputation as the foremost cross-examiner in the world in his examination of Baignet and Carter; skilfully led the protracted and remarkable prosecution of the claimant for perjury; appeared in 1874 for the petitioner in the Frederick legitimacy suit, and won against a strong and numerous array of opposing counsel; and successfully established the will of Lord St. Leonards (Sir Edward Sugden) both in probate and on appeal, by secondary evidence.

He is reputed to have taken more money away with him from the bar than any man of his generation. He is the great judge of England in trying penal cases, and is said to be the terror of the criminal classes. He loves the turf, and was for years standing counsel for the Jockey Club. He is keen and unique in exposition; is endowed with a variety of mental gifts, and is very expeditious as a judge.

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## Patience Competition.

"Sir Henry was presiding over a long, tedious and uninteresting trial, and was listening, apparently with absorbed attention, to a long, tedious, and uninteresting speech from a counsel learned in the law. Presently he made a pencil memorandum, folded it, and sent it by the usher to the Queen's Counsel in question. This gentleman, on unfolding the paper, found these words: 'Patience Competition. Gold medal, Sir Henry Hawkins. Honorable mention, Job.' His peroration was wound up with as little delay as possible."—"Sketch."

"Go to the Devil"—Went to the Judge.

"An action was recently brought before Mr. Justice Hawkins to recover the value of two casks of herrings furnished many years before. 'Why such long delay?' asked the judge. 'Why,' said the plaintiff, 'I again and again, whenever I could find him, asked for payment, until at last he told me to go to the devil, upon which I thought it was high time for me to come to your lordship.'"—Apl. 1889, Green Bag.

## His Management of a Witness.

"Mr. Justice Hawkins practices frequently on the bench that great gift of cross-examination which was his leading characteristic when at the bar. Over and over again, when the most eminent counsel are browbeating a hostile witness before him without

the slightest success, the judge will put a few quiet questions, stroking his nose with a quill the while, which secure from the witness the admissions denied to a less adroit style of interrogation. I remember being present at a trial which took place not very long ago before Mr. Justice Hawkins. It was essential for one side to prove that a certain person had been drunk at a given time. The man in question had been spending the afternoon and evening in a public house, drinking with a number of friends. Every one of the man's companions testified to their friend's complete sobriety; no effort of counsel could attach the slightest stain of intemperance to the hard-headed boon companion. As the last witness was leaving the box, the judge inquired: 'Had your friend spent the whole afternoon and evening at the bar?' 'Yes, my Lord,' was the answer. 'Did you notice any change in his complexion?' Witness: 'It was, perhaps, a little redder than usual.' The judge: 'Was his manner at all excited?' Witness: 'Yes, I dare say he was, perhaps, rather excited.' The judge smiled at the jury, who in common with every one, were convulsed with laughter, and at the close of the trial found a verdict involving the gentleman whose sobriety was at stake with the odor of intemperance."—Nov., 1891, Green Bag.

## FARRAR HERSCHELL, ENGLAND.

(1837- —.)

Right Honorable Privy Councillor. The Lord High Chancellor of England. Born in 1837; educated at University College, London, and at Bonn; called to bar, 1860. Made Queen's Counsel and a Bencher of Lincoln's Inn in 1872; represented Durham as a Liberal, 1874-85; knighted and made Solicitor General in 1880; raised to peerage and became Chancellor in 1886, resigning on Gladstone's defeat. Was succeeded by Lord Halsbury, who, in turn, resigned on Salisbury's defeat in 1892. On Gladstone's new incoming, he again became Chancellor, August 18, 1892. He took part in the Round Table Conference on Home Rule, holding the first meeting at his home. Was President of the Royal Commission to investigate the Metropolitan Board of Works.

While at the bar, he enjoyed an extensive practice, chiefly in the Court of Appeals, Privy Council and House of Lords, where he frequently opposed the late Judah P. Benjamin, of Jewish extraction like himself. In the absence of Lord Kimberly and Earl

Roseberry, he usually assumes the leadership of the upper branch of the British Legislature, being conspicuous for his skill, incisive reasoning and unfailing good nature. He not only presides in the political sittings of the House of Lords, but over the judicial body known as the House of Lords, for the hearing of appeals from the courts of appeal of England, Scotland and Ireland, and as a member of the Privy Council, for the hearing of appeals from the British colonies. His latest great performance has been presiding over the Imperial Commission to inquire into the depression of the rupee, and more generally, the coinage of India. The report, adopted by India (a masterly review of the whole currency question) recommended the closing of the mints for silver coinage, except as permitted by the government, and fixed the value of the rupee at one shilling and four pence. He is principal adviser of the Crown, and as Chancellor draws an annual salary of \$50,000.

## GEORGE HOADLY, NEW YORK.

(1826- —.)

Senior member of the leading law firm of Hoadly, Lauterbach and Johnson, of New York city. Born at New Haven, Connecticut, July 31, 1826. His father was mayor of New Haven, and later of Cleveland, Ohio; and his grandfather a captain in the Revolution, and twenty-six times a member of the Connecticut Legislature. When four years old young Hoadly's father moved to Cleveland, at which place and Western Reserve College the son was educated, graduating Bachelor of Arts at eighteen. He studied law at Harvard, and with Honorable C. C. Convers, of Zanesville, and a year at Cincinnati, being admitted at twenty-one. After serving two years as a clerk in the office of Chase and Ball, Mr. Hoadly became a member of the firm of Chase (Salmon P.), Ball and Hoadly. He was Judge of the Superior Court of Cincinnati, 1851-3; City Solicitor of Cincinnati, 1855; Judge of the New Superior Court, 1859-66; twice declined an Ohio Supreme Court Judgeship from Governors Chase and

Todd; in 1873 was a member of the Ohio constitutional convention, without opposition; Governor of Ohio, 1884-6; and removed to New York city in March, 1887, where the firm has one of the most extensive law businesses in that city, occupying one entire floor of the Farmers's Loan and Trust Company's building, covering a space of forty-two hundred square feet, and employing an office force of thirty-three persons.

Mr. Hoadly is learned in the law, has been twenty years professor of law in the Cincinnati Law School, and has been engaged in some of the most important litigation in the country, traces of which are to be found in the reports of the United States Supreme Court, the Ohio Supreme Court, and the New York Court of Appeals. He argued the Oregon and Florida cases before the Electoral tribunal; the case in support of the right of the Cincinnati Board of Education to exclude the Bible from the common schools; and the Bishop Purcell assignment, involving abstruse civil law, cannon law, and common law questions; and has recently been retained by the Government in its litigation with the Union Pacific railway. Mr. Hoadly is a LL.D. of Adelbert, Yale and Dartmouth colleges.

## Advice to the Young Lawyer for Success in His Profession.

"In my opinion there are three things which I regard of primary consequence to the young lawyer who would secure a large practice and an honorable reputation in the community. One of these acquirements, and the one to which I would first call attention, is the possession of faculty, or, if you please to call it, genius or talent. And while a man is responsible for the employment of the best he has of this, he certainly cannot be held responsible for more than that. This leads me to say that no young lawyer is to be blamed for the lack of a greater degree of faculty than was given him by the Almighty. But such a young man certainly is to be blamed for the misuse of the talents which the Creator has bestowed upon him. Every young lawyer has at his command two things which can insure for him success—that is, as much success as his natural gifts entitle him to—and that is absolute integrity to his clients, and to himself. The successful lawyer depends much upon his true courage and absolute integrity in dealing with his adversaries. Nor can he succeed without industry, for unremitting labor is required until he has given evidence of his talents and integrity. The young lawyer must patiently await his time, and he who is a faithful and diligent laborer in acquiring knowledge, and adds to this fidelity to his clients, will eventually succeed. A great many lawyers of only

moderate ability, having in early life adopted this course of action, have been very successful in their profession."

### The Immortality of a Great Judge.

"I have seen in Venice, around the frieze of the large room in the Doge's palace, the names, with a single exception, of all the Doges of Venice—great men in their day and generation, to whose hands had been committed, each for a little time, the power of the republic. These men are forgotten. Not half a dozen names of those hundreds are remembered or ever mentioned now. In history only the victor Doges, or those in whose hands was the government of Venice during hours of extreme perplexity or prosperity, appear; and so it will be with us. The time will come when the Presidents of our Republic will be numbered by hundreds. Great as his high office may seem during the brief tenure of power allotted to each, they will nevertheless be very obscure persons indeed when compared with the men to whom was vouchsafed the opportunity of recording in judicial judgment decisions of lasting import, upon which depend the lives, liberty, and property of those generations, as well as of ages to follow. To-day Lord Coke's memory is gratefully preserved by every American lawyer, while even the names of the Prime Ministers of James the First have been forgotten."—Remarks upon death of Justice Campbell, in United States Supreme Court April 6, 1889.



## GEORGE FRISBIE HOAR, MASSACHUSETTS.

(1826- —.)

Senior Senator from Massachusetts. Has been twenty-five years in the public service at Washington. A varied scholar, a solid orator, an able lawyer, and a broad statesman. Born in Concord, Massachusetts, August 29, 1826. Was educated at Concord Academy and Harvard, where he graduated at twenty. Studied law at the Dane Law School, Harvard University; settled at Worcester; was City Solicitor, 1860; member of the State Legislature, 1852; of the State Senate, 1857; of Congress, 1869; being four times successively re-elected; United States Senator from 1877 till the present, having been three times re-elected, his present term expiring March 3, 1895. Mr. Hoar has filled various positions of responsibility and trust. Among others, Overseer of Harvard College, 1874-80; Chairman of the Massachusetts State Republican conventions of 1871, 1877, 1882 and 1885, and Delegate to the Republican National conventions of 1876, 1880, 1884, and 1888, presiding over that of 1880, at Chicago; Chairman of the Massachusetts

delegation in 1880, 1884 and 1888; was one of the managers of the Belknap impeachment trial, 1876; member of the Electoral Commission, 1876, Regent of the Smithsonian Institution, 1880; has been president and is now vice-president of the American Antiquarian Society, trustee of the Museum of Archaeology, trustee of Leicester Academy, member of Massachusetts and American Historical Societies, and the Historic-Genealogical Society; and has received the degree of LL.D. from William and Mary, Amherst, Yale, and Harvard.

He might have been Governor of his State, or a judge of its highest court. He is of unbending principle, courage, independence, and integrity. A richly endowed lawyer, his ability was recognized by his being early placed upon the House Judiciary Committee, and afterwards at the head of the same committee in the Senate. "No one surpasses him," says ex-Senator Dawes, "in the extent and variety of his learning, in his familiarity with the classics, with ancient and modern history, and especially with that of his own country."

## Humer.

"I am not certain that joking, or the capacity for joking, is the accompaniment, or ought to be the accompaniment of the great and severe transactions of human life; that men who are on trial for their lives, or who are framing constitutions or bills of rights, or denouncing great public crimes, are moved to take humorous views of the situation; or that there is any record that the Savior or the Apostles, or the Prophets, or either of them, had much humor."—From an article on Charles Sumner, January, '94, Forum.

## Sumner's and Lincoln's Instinct.

"There is no statesman of the time whom we can compare with Charles Sumner for unerring instinct, save Lincoln alone—and Lincoln owed much to his counsels."—Idem.

## Our Wool Should be Protected.

"The nation that cannot produce its own clothing, that cannot clothe its armies in war, that cannot clothe its citizens in peace, without foreign assistance, is as weak and defenseless among the nations of the earth as the flocks we seek to protect would be weak and defenseless in an African desert, among lions and tigers. There can be no separation of the interest of the woollen manufacturer and the grower of wool. Every manufactured article of wool that comes in from abroad not only throws into idleness

the manufacturing operatives of America, who otherwise would have produced it, but condemns to a like idleness the farmer who, to that extent, would have grown wool."—Remarks in United States Senate, July, 1894.

Intelligence of the People of Maine.

"Maine stands at the head of all the communities on the face of the globe in the capacity of the people to read and write, and in the education of its people. It is an unmixed English blood, and they have been used to self-government and to choose their rulers for two centuries."—From speech at Salem, Mass., 1884.

His Opposition to Hornblower and Peckham.

"Mr. Hoar, who led the opposition of the Republicans in the confirmation of William B. Hornblower and Wheeler H. Peckham, in 1894, for Associate Justice of the United States Supreme Court, is a concentrated and incrustated bundle of prejudice and malice."—March-April, 1894, *American Law Review*, p. 276.

## OLIVER WENDELL HOLMES, JR., MASSACHUSETTS.

(1841. —)

Born in Boston, March 8, 1841. Attended Mr. T. R. Sullivan's, afterward Mr. E. S. Dixwell's, school. Enlisted, April, 1861, in the service of his country, becoming First Lieutenant, Company A, Twentieth Massachusetts. He was severely wounded at Ball's Bluff, at Antietam, and at the second battle of Fredericksburg. Was commissioned, July 5, 1863, Lieutenant Colonel, but on account of the reduced condition of the regiment, was not mustered in. Returning from military service, he entered Harvard Law School, and received his LL. B. in 1866. Spending the summer of 1866 in Europe, he returned and entered the office of Chandler, Shattuck and Thayer. Was admitted to the Suffolk bar, 1867, and subsequently as a practitioner in the United States Supreme Court. He practiced law first in partnership with his brother, and later in the firm of Shattuck, Holmes and Munroe. He taught constitutional law in Harvard, 1870-1, was university lecturer on juris-

prudence, 1871-2, and appointed, 1882, to a new professorship, but barely entered upon his duties, when (December 8) Governor Long appointed him Associate Justice of the Massachusetts Supreme Court. He is a member of the Massachusetts Historical Society, and was a fellow of the American Academy. He received the degree of LL.D. from Yale in 1886, the same year in which his father, the poet, was receiving his from Oxford.

He is a thorough scholar, and one of the ablest and most philosophical of American jurists, his decisions being terse, but comprehensive, and his legal works taking high rank. He published, 1873, the twelfth edition of *Kent's Commentaries*, with elaborate notes; had editorial charge, 1870-3, of the *American Law Review*; published, 1881, "*The Common Law*." He is also the author of many articles and monographs on the law, notably "*Early English Equity*," "*Ultra Vires*," "*Misunderstandings of the Civil Law*" and "*Primitive Notions in Modern Law*."

## A Receiver.

"A receiver is a gun that is a good deal easier to fire off than it is to control after it is fired." (1892)—  
In answer to an attorney who applied for a receiver.

## His Work on the Common Law.

His work on "The Common Law" has been translated into Italian, and has been characterized by the London Spectator as "the most original work of legal speculation which has appeared in English since the publication of Sir Henry Maine's 'Ancient Law.'"

## The Law Inconsistent Because Growing.

"The law is always approaching and never reaching, consistency. It is forever adopting new principles from life at one end, and it always retains old ones from history at the other, which have not yet been absorbed or sloughed off. It will become entirely consistent only when it ceases to grow."—"The Common Law," p. 36.

## Force Is at the Bottom of All Private Relations and the State.

"It seems to me clear that the ultima ratio, not only regum, but of private persons, is force, and at the bottom of all private relations, however tempered by sympathy and all the social feelings, is a justifiable self-preference. If a man is on a plank in the deep sea, which will only float one, and a stranger

lays hold of it, he will thrust him off if he can. When the state finds itself in a similar position, it does the same thing."—*Idem*, p. 44.

**Employe Must Labor Before Payment, by Custom.**

Suppose A promises B to do a day's work for two dollars, and B promises A to pay two dollars for a day's work. There the two promises cannot be performed at the same time. The work will take all day, the payment half a minute. How are you to decide which is to be done first—that is to say, which promise is dependent upon performance on the other side? It is only by reference to the habits of the community and to convenience. It is not enough to say that on the principle of equivalency a man is not presumed to pay for a thing until he has it. The work is payment for the money as much as money for the work, and one must be paid for in advance. The question is, why, if one man is not presumed to intend to pay money until he has money's worth, the other is presumed to intend to give money's worth before he has money. The answer cannot be obtained from any general theory. The fact that employers, as a class, can be trusted for wages more safely than the employed for their labor, that the employers have had the power and have been the law-makers, or other considerations, it matters not what, have determined that the work is to be done first."—Holmes' "Common Law," pp. 337-8.



## SIR JOHN HOLT, ENGLAND.

(1642-1710).

Twenty-two years Chief Justice of England, and of all judges gained the highest reputation by the exercise of judicial functions, purely. Born at Thame, Oxfordshire, December 30, 1642, died in Suffolk, March 5, 1710, aged sixty-seven. Was educated at Oxford, but left without degree; admitted a member of Gray's Inn at ten; called to the bar at twenty-one, and rose to eminence as an advocate.

Defended Earl of Danby, Lords Powis and Arundel for impeachment. Appeared for the Crown in the Popish Plot cases, and the Crown v. Slingsley Bethel, for assault; defended Lord Russell for complicity in the Rye House Plot; was for plaintiff in East India Company v. Sandys, for trade infringement, and defended in Earl Macclesfield v. Starkey. Appointed Chief Justice, 1689, holding the position till death. In 1700 he declined the Chancellorship, saying he had had but one chancery cause, and that he lost.

When young he was wild and extravagant.

Was courageous and firm. Being charged by the Speaker of the House of Commons with contempt for one of his decisions, Holt bade him begone or he would forthwith commit him, had he all the House of Commons in his belly. He dispensed criminal law fairly and with a masterly hand. Discontinued the practice of bringing prisoners into court in irons, and aided them when without counsel. Took a high view of the law of treason and seditious libel. His judgment in *Coggs v. Bernard* was the first attempt to define the rights arising out of various bailments. He had a law passed placing promissory notes on the basis of bills of exchange as to negotiability. Says Lord Campbell: "He was not a statesman like Clarendon, a philosopher like Bacon, nor an orator like Mansfield, yet he fills nearly as great a space in the eye of posterity."

### Exercised Judicial Functions Only.

"Of all the judges in our annals Holt has gained the highest reputation, merely by the exercise of judicial functions. Some enthusiastic lovers of jurisprudence regard him with higher veneration than any English judge who preceded or has followed him. He held the office of Chief Justice of the King's Bench for twenty-two years."—Vol. 3, *Lives of the Chief Justices*, pp. 1 and 2.

### Refused Chancellorship.

"King William offered Holt the Lord Chancellorship. Holt astounded the king when he pronounced these memorable words: 'I feel highly honored by your majesty's gracious offer; but all the time I was at the bar I never had more than one cause in chancery, and that I lost, so that I cannot think myself qualified for so great a trust.'"—*Idem*, 39.

### Was Ruled by His Wife.

"Lord Holt, although he defined the privileges of the House of Lords and of the Commons, was obliged to confess that his wife was the sole judge of her own privileges, and that when she pronounced him in contempt he was entirely without remedy. He established against the Crown his right to appoint the chief clerk of his court, but the nomination of postman in his family, as well as of housemaids, vested entirely with his wife."—*Campbell's Lives of the Chief Justices*, p. 63.

## Wild When Young.

"When young he was very extravagant, and belonged to a club of wild fellows, most of whom took an infamous course of life. When his lordship was engaged at the Old Baily, a man was tried and convicted of robbery on the highway whom the judge remembered to have been one of his old companions. Moved by that curiosity which is natural on a retrospection of past life, Holt, thinking the fellow did not know him, asked what had become of his old associates. 'Ah, my lord,' said the culprit, making a low bow, 'they are all hanged but your lordship and I.'"—*Newcastle Chronicle.*

## ROBERT GREEN INGERSOLL, NEW YORK.

(1833- —)

Pronounced by Henry Ward Beecher "the most brilliant speaker of the English tongue in any land on the globe." Born in Dresden, New York, August 11, 1833. He had religious discussions with his father, a Congregational minister, when but ten years of age. Read law, was admitted, formed a partnership with his brother, Ebon, in Shawneetown, Illinois, but removed to Peoria in 1857. Became Colonel of the Eleventh Illinois Cavalry, 1862, and Attorney General of the State in 1866. In 1876 he nominated James G. Blaine for the Presidency in a speech unsurpassed in the history of nominating conventions. A year later he refused the mission to Germany.

He is one of the most powerful advocates of to-day, having taken part in numerous noted lawsuits in all parts of the country—perhaps the most famous being the Star Route trials. But it is chiefly as a writer and platform speaker that he excels. He receives a thousand dollars for a single lecture, and, it is said, has an annual income from this source alone

of \$100,000. He is the great iconoclast of the Nineteenth century, being well known by his utterances against the Christian religion. His creed may well be summed up in the following passage by himself: "Above all statues rises the figure of Justice, and above all religions is humanity. I give to all others the rights that I claim for myself, without regard to complexion or race." He calls himself an agnostic, whom he says, "knows he knows nothing; and believes no other person knows any more than he does." Some of his rhetorical flights will live while the language endures, notably his "Funeral Oration Over His Brother," his "Speech at the Indianapolis Soldiers' Reunion," his "Garland Over the Grave of Mrs. Ida Knowles," his "Letter to the California Mother, Bereft of an Unbelieving Son," his "Closing Allusion to Woman," in the Dorsey trial, and "Love Against Glory," that epitome of the career of Napoleon and glowing description of home.

He is a man of fine presence, generous impulses, gracious manners and the center of a host of devoted friends.

## Love.

"Love is the only thing in which the height of extravagance is the last degree of economy."

## Shakespeare.

"Shakespeare was an intellectual ocean, whose waves touched all the shores of thought."—Written on a fly-leaf of the author's Shakespeare.

## Power.

"Nothing discloses real character like the use of power. It is easy for the weak to be gentle. Most people can bear adversity. But if you wish to know what a man really is, give him power. This is the supreme test."—In a speech on Abraham Lincoln.

## Peroration in Defense of Dorsey.

The government attorneys in the Star Route trial had unwisely slurred Mrs. Dorsey for being present at her husband's trial. Mr. Ingersoll cleverly made the point against the prosecution, and while the following passage was delivered several were in tears. "There is a passage in the Louvre—a painting of desolation, of despair and love. It represents 'The Night of the Crucifixion.' The world is wrapped in shadow, the stars are dead, and yet in the darkness is seen a kneeling form. It is Mary Magdalene, with loving lips and hands pressed against the bleeding feet of Christ. The skies were never dark enough, nor starless enough—the storm

was never fierce enough, nor wild enough—the quick bolts of heaven were never loud enough, and the arrows of slander never flew thick enough, to drive a noble woman from her husband's side. And so it is, in all of human speech the holiest word is 'woman.' ”

### A Narrow Vale.

“Life is a narrow vale between the cold  
And barren peaks of two eternities.  
We strive in vain to look beyond the heights,  
We cry aloud; the only answer  
Is the echo of our wailing cry.  
From the voiceless lips of the unreplying dead  
There comes no word; but in the night of death,  
Hope sees a star, and listening love can hear  
The rustle of a wing.  
These myths were born of hopes and fears and tears,  
And smiles; they were touched and colored  
By all there is of joy and grief between  
The rosy dawn of birth and death's sad night;  
They clothed even the stars with passion,  
And gave the gods the faults and frailties  
Of the sons of men. In them the winds,  
The waves, were music; and all the lakes and  
Streams, springs, mountains, woods and perfumed  
dells,  
Were haunted by a thousand fairy forms.”

### Ingersoll's Legal Argument.

Judge Walter H. Sanborn relates that just after Colonel Ingersoll had concluded an argument before



Mr. Justice Miller, while on the circuit, he, Sanborn, came in and remarked to Judge Miller that he wished he had gotten there a little sooner, as he had never heard Colonel Ingersoll make a legal argument. "Well," said Judge Miller, "you never will."

#### Preparation for Blaine Nomination.

He is always self-possessed—never gets "rattled." The famous speech nominating James G. Blaine for President in 1876, which made Ingersoll famous as an orator throughout the world, was prepared after three o'clock on the morning of the day of the convention, after a good night's rest.

#### Lawyer Subsists Because Clients Are Idiots.

"The lawyer is merely a sort of intellectual strumpet. My ideal of a great lawyer is that great English attorney who accumulated a fortune of £1,000,000, and left it all in a will to make a home for idiots, declaring that he wanted to give it back to the people from whom he took it."

#### Love Versus Glory.

"A little while ago I stood by the grave of the old Napoleon—a magnificent tomb of gilt and gold, fit almost for a dead deity, and gazed upon the sarcophagus of black Egyptian marble, where rest at last the ashes of that restless man. I leaned over the balustrade, and thought about the career of the greatest soldier of the modern world. I saw him walking

upon the banks of the Seine, contemplating suicide; I saw him at Toulon; I saw him putting down the mob in the streets of Paris; I saw him at the head of the army in Italy; I saw him crossing the bridge of Lodi, with the tri-color in his hand; I saw him in Egypt, in the shadows of the pyramids; I saw him conquer the Alps, and mingle the eagles of France with the eagles of the crags; I saw him at Marengo, at Ulm and Austerlitz; I saw him in Russia, where the infantry of the snow and the cavalry of the wild blast scattered his legions like winter's withered leaves. I saw him at Leipsic, in defeat and disaster; driven by a million bayonets back upon Paris; clutched like a wild beast; banished to Elba. I saw him escape, and retake an empire by the force of his genius. I saw him upon the frightful field of Waterloo, where chance and fate combined to wreck the fortunes of their former king. And I saw him at St. Helena, with his hands crossed behind him, gazing out upon the sad and solemn sea. I thought of the orphans and widows he had made, of the tears that had been shed for his glory, and of the only woman who had ever loved him, pushed from his heart by the cold hand of ambition. And I said I would rather have been a French peasant, and worn wooden shoes; I would rather have lived in a hut, with a vine growing over the door, and the grapes growing purple in the kisses of the autumn sun. I would rather have been that poor peasant, with my loving wife by my side, knitting as the day died out of the sky, with my chil-

dren upon my knees and their arms about me. I would rather have been that man, and gone down to the tongueless silence of the dreamless dust, than to have been that imperial impersonation of force and murder, known as Napoleon the Great."

### Cultivation More Important Than Soil.

"In a new country a man must possess at least three virtues—honesty, courage and generosity. In cultivated society, cultivation is often more important than soil."—From lecture on Lincoln.

### Robert Burns.

After his lecture on Robert Burns, on one occasion, the Colonel was approached by a Scotchman, who said: "Colonel, the title of your lecture should be the epitaph of your tombstone." "How is that?" said the orator. "Robert burns," replied the Scot.

### Country and City Life Contrasted.

"It is no advantage to live in a great city, where poverty degrades and failure brings despair. The fields are lovelier than paved streets, and the great forests than walls of brick. Oaks and elms are more poetic than steeples and chimneys. In the country is the idea of home. There you see the rising and setting sun; you become acquainted with the stars and clouds. The constellations are your friends. You hear the rain on the roof, and listen to the rhythmic

sighing of the winds. You are thrilled by the resurrection called spring, touched and saddened by autumn, the grace and poetry of death. Every field is a picture, a landscape; every landscape a poem; every flower a tender throb, and forest a fairy land. In the country you preserve your identity, your personality. There you are an aggregation of atoms, but in the city you are only an atom of an aggregation."—From lecture on Lincoln.

## GEORGE IRVINE, QUEBEC.

(1826. —)

Queen's Counsel, Doctor of Civil Laws. One of the best known and most eminent members of the Quebec bar. Born at Quebec, November 16, 1826; rose rapidly to distinction, his services being retained in nearly every important case, especially if of a commercial nature. He was elected, 1863, to the Canadian House of Assembly to represent Megantic county. In 1867 he returned to the Commons; declined re-election in 1872; represented Megantic in the Legislative Assembly of the Province of Quebec from confederation until January, 1876, and successively held the Cabinet offices of Solicitor General and Attorney General of the Province. In 1878 he was again returned to the Legislative Assembly for Megantic, and again in 1880; resigning in 1884, to accept the appointment of Judge of the Vice Admiralty Court at Quebec.

Throughout his public career he has been one of the most conspicuous men in the House, and before the country, and the organization

and legislation of the Province of Quebec under confederation still bears the impress of his powerful mind. Of wonderful tact and suavity, a skilful parliamentarian, of rare executive ability, he wielded an immense influence in the councils of that province, and on public opinion. As a speaker and debater he is eloquent, clear, precise and logical. Although actually the Judge of the Vice Admiralty Court at Quebec, an imperial appointment, he still practices his profession in other courts, and is generally found engaged in all the more important cases, civil and criminal. He was formerly professor of commercial law in Morrin College, Quebec, and Chancellor of the University of Lennoxville. He has also been batonnier of the Québec bar, and a vice president of the Union Bank of Canada, of Quebec, which he helped to found. He has traveled a great deal on public and professional business, and has repeatedly crossed to England to plead before the Privy Council in appeals of great importance.

## HOWELL EDMUNDS JACKSON, TENNESSEE.

(1832- —)

Associate Justice of the United States Supreme Court, by appointment of President Harrison, February 2, 1893, to succeed Mr. Justice Lamar, deceased. He was born in Paris, Tennessee, April 8, 1832; educated at East Tennessee College, and in law at the University of Pennsylvania. He was admitted in 1856, and settled in Jackson; moved to Memphis in 1859. Was twice appointed a Judge of the State Supreme Court. Returned to Jackson, 1876, was elected to the Legislature, 1878, and the same year to the United States Senate. He was made United States Judge of the Sixth Circuit, by President Cleveland, in 1884, in place of Judge John Baxter, deceased, and moved to Nashville.

His appointment to the Supreme Bench met with wide approval, and was urged by Mr. Justice Brown and Judge Taft of the United States Circuit. President Harrison had tried many cases in his court, and had sat with him in the Senate, and knew his man. It is also remarkable that Mr. Harrison should have



**HOWELL EDMUNDS JACKSON,**  
Associate Justice of the United States Supreme Court.  
From a Photograph by Greis & Hoelke in Nashville, Tenn





had the opportunity to make four appointments to the Supreme Bench—Justices Brewer, Brown, Shiras and Jackson. Opposition was anticipated to his confirmation, as the Republicans did not like the appointment of a Democratic judge by a Republican President, and the Democrats thought the President should await the incoming of President Cleveland for the filling of a life position. But the nomination was unanimously confirmed fifteen days after the appointment. His opinion was sought by judges on questions of law and practice when a young man at the Memphis bar. He stands highest with those who know him best. Says Hon. R. B. Cowen, Clerk of the United States Courts, at Cincinnati: "He is the greatest judge I ever saw preside." In the last six reports (148-154 U. S.) appear 56 opinions, including six dissents, decided by him. An ideal lawyer, devoted to his profession from the love of it, scholarly, hard-working, courageous, direct, honest, sincere, clean. He is, withal, a typical Southern gentleman, genial and brilliant in conversation.

## SIR HENRY JAMES, ENGLAND.

(1828- —)

The Right Honorable, Queen's Counsel, Member of Parliament. Born at Hereford, England, October 30, 1828. His father, Philip Turner James, was a practicing surgeon in Hereford. He was educated at Cheltenham College; called to the bar in 1852; distinguished himself as Lecturer's Prizeman at the Inner Temple at twenty-two; made Queen's Counsel in 1869, and a Bencher of his Inn in 1870; a Member of the House of Commons in 1869, continuing in office till 1885; took a prominent part in 1872 in the debates on the Judicature Bill; appointed Solicitor General by Mr. Gladstone in 1873, succeeding Sir George Jessel, and two months later became Attorney General, receiving knighthood; re-appointed Attorney General in 1880, and in 1886 was tendered the Chancellorship (a position paying \$50,000 sterling annually, with a pension for life), but declined the office on the ground that he could not accept Mr. Gladstone's Home Rule opinion. This is, perhaps, the greatest instance of abstinence from political ambi-

tion that the English bar records, being the highest judicial office in the British empire, entitling the holder to the presidency of the House of Lords, that is, to a seat on the woolsack. He was of counsel for the Times in *O'Donnell v. Walter*, and also counsel before the Parnell Commission.

His parliamentary reputation is quite as high as his legal. His management of the Judicature and the Corrupt Practices Acts called forth the admiration of his party. Has remarkable natural gifts, a singular facility in mastering and reproducing complicated details, and a keen insight into character and motives. "As a cross-examiner he is second only to Sir Charles Russell, and as an advocate rises to heights to which Sir Charles never attains. In power of literary perception and expression, he has no living rival at the English bar," says an English legal contemporary. He is tall, with iron gray hair and whiskers, dark, sunken, penetrating eyes, high brow and clear-cut lips. His voice, at first husky, becomes strong and clear as he advances. He speaks rapidly and gestures frequently.

## JOHN JAY, NEW YORK.

(1745-1829)

First Chief Justice of the United States, and one of the statesmen of the Revolutionary period. Born in the city of New York, December 12, 1745, of mixed French and Dutch descent. Entered King's (now Columbia) College, 1760. Admitted to the bar in 1768. Was a member of the Continental Congresses and at the same time of the Provincial Congresses of New York. Drafted the New York constitution, perhaps the model of the Federal Constitution. During the war, as Chief Justice of the State, and in other capacities, he was of essential service to the arms of the Colonies. Minister to Spain, 1779-1782, and joined Franklin at Paris to negotiate the peace, the surprisingly successful conclusion of which was due more to him than to any one. Some of the most admired numbers of the *Federalist* were from his pen. In the critical time of the gestation of a new government, from 1784 to 1789, Jay was Secretary for Foreign Affairs, and, on the inauguration of Washington, being offered his choice of all the great offices,

he became Chief Justice, a position which he said should be as independent of the inconstancy of the people as it is of the will of the President. He resigned in 1795. While Chief Justice, as special envoy, he made the commercial treaty with Great Britain which was so salutary and so much abused. Governor of New York, 1795 to 1801. Though offered the Chief Justiceship again by President Adams, he peremptorily declined, and from 1801 to his death, May 17, 1829, he lived in retirement.

Jay, whose integrity was pure, and whose life, spotless, never sunk his manhood in the correctness of his principles. His clear intellect saw the path of rectitude, and he independently walked therein, undeterred by formal obstacles. So great and useful a career seldom gets itself acted with such close adherence to principle. He was not a brilliant advocate, a profoundly learned lawyer, or a master of practice; but rather a statesman and a jurist.

#### Qualifications for a Judge.

“ Firmness \* \* \* as well as integrity and caution, will be requisite to explore and persevere in the path of Justice. They who, in following her

footsteps, tread on popular prejudices, or crush the schemes of individuals, must expect clamor and resentment. The best way to prevent being perplexed by considerations of that kind is to dismiss them all and never to permit the mind to dwell upon them for a moment. \* \* \* Although a judge may possess the best talents and the purest intentions, yet let him keep a jealous eye over his sensibilities and attachments, lest they imperceptibly give to error too near a resemblance to truth. Nay, let him even watch over that jealousy, for the apprehension of being thought partial to one side has a tendency to incline a delicate mind towards the other."—To John Trumbull, October 20, 1796, *Pellew's Life of Jay*, 362.

#### No Considerable Portion of the People Mean Well.

"As to the position that 'the people always mean well,' or, in other words, that they always mean to say and do what they believe to be right and just, it may be popular, but it cannot be true. The word people \* \* \* applies to all the individual inhabitants of a country. \* \* \* That portion of them who individually mean well never was, nor (until the millenium) will be, considerable."—To Judge Peters, *Idem*, 364.

#### A Solid Judiciary.

"In the future administration of this country the firmest security we can have against the effect of visionary schemes or fluctuating theories will be in a solid judiciary."

## Popularity.

"Popularity is not among the number of my objects."—Pellew's Life of Jay, 116.

## More Important to Govern One's Self Than the State.

"A few years more will put us all in the dust, and it will then be of more importance to me to have governed myself than to have governed the State."—His reply when told he was counted out for Governor of New York, in the interest of Clinton.—Id., 280.

## Sovereignty.

"The sovereignty of the Nation is in the people of the Nation, and the residuary sovereignty of each State is in the people of each State. Suability and State sovereignty are not incompatible."—Chisholm Exrs. v. the State of Ga., 2 Dall., 415.

## Debts and Credit.

"To be obliged to contract debts and live on credit, is terrible."—From letter to Franklin, 1781; Pellew's Life of Jay, p. 137.

## Snow on His Bed.

"To keep the snow off his bed in winter John used to stuff the broken panes of his window with bits of wood."—Pellew's Life of Jay, p. 9.



## College Days.

"Entered King's (now Columbia) College in 1760, when he was but little over fourteen, and graduated at nineteen."—*Idem*, p. 14.

## At Twenty-six in Good Business.

At twenty-six he wrote: "With respect to business, I am as well circumstanced as I have a right to expect."—*Id.*, 21.

## Not Precocious.

"He was not precocious like, not brilliant-winged like Hamilton, but a lad remarkably sedate."—*Id.*, 22.

## At Twenty-Nine—John Adams' Diary Entry.

"Mr. Jay is a young gentleman of the law, of about twenty-six (in fact, twenty-nine). Mr. Scott says, a hard student and a good speaker,' is the entry in John Adams' diary in 1774."—*Id.*, 35.

## Property Qualification to Vote.

"Those who own the country ought to govern it,' was a favorite maxim with Mr. Jay."—*Id.*, 79.

## Chief Justice of New York.

"No reports are published of the first twenty-two years' existence of the Supreme Court of New York, consequently little can be said of Jay as Chief Justice of New York."—*Id.*, 97.

## Crimes.

"Delays in punishing crimes encourage the commission of crime. The more certain and speedy the punishment, the fewer will be the objects."—Id., 99.

## His Dress.

"Neatness and utility is all I ought to wish to aim at in dress or equipage; and, perhaps, every citizen of a republic would do well to forbear going further."

## Qualifications of a Judge.

"Although a judge may possess the best talents and the purest intentions, yet let him keep a jealous eye over his sensibilities and attachments, lest they imperceptibly give to error too near a resemblance to truth. Nay, let him ever watch over that jealousy, for the apprehension of being thought partial to one side has a tendency to incline a delicate mind towards the other."—To John Trumbull, 1796.

## Characteristics.

"His intellectual endowments are easily described. His mind was vigorous, exact and logical. To genius, he could make no pretensions. Judgment—discriminative, penetrating—was the characteristic of his understanding. If over his other faculties imagination had presided, the compass of his thoughts would have been enlarged, and grace and flexibility been imparted to his mind. Jay was not

a variously learned man. Modern genius did not delight him. Of the ancients, Cicero was his favorite. The Bible was his constant study. Observing throughout his life the great principles of justice and rectitude, he 'ascended to the temple of honor through the temple of virtue.'—Flander's Lives of the Chief Justices.

#### Chief Justice Jones' Tribute.

"Few men in any country, perhaps scarce one in this, have filled a larger place, and few ever passed through life with such perfect purity, integrity and honor."—Chief Justice Jones, at the opening of the Superior Court, May 30th, 1829.

## JOHN N. JEWETT, ILLINOIS.

(1827——.)

General counsel of the Illinois Central Railroad company, and litigated the famous "Lake Front" case in the United States Supreme Court, involving some \$75,000,000—more money than has ever before or since engaged the attention of that tribunal in a single case. Born at Palmyra, Maine, October 8, 1827. Spent his youth till eighteen upon his father's farm, at which age he entered Bowdoin College, graduating five years later with high honors. He taught for two years in the academy at North Yarmouth, Maine, devoting a portion of his time to the study of law; moved to Madison, Wisconsin; completed his law studies in the office of Collins and Smith, and was admitted in 1853. He moved to Galena, Illinois, where he practiced for three years, when he moved to Chicago, 1856, and formed a partnership with Scales and McAllister, which was dissolved nine years later. His practice steadily increased, until he now enjoys one of the largest incomes from his practice of any lawyer in the West.

He is a Republican in politics, and was elected, upon the adoption of the new constitution in 1876, to the Illinois Senate. In his legislative capacity he earned an enviable reputation for honesty, high-mindedness and rare ability. It is as a practitioner, however, that he is best known and most conspicuous, having been engaged in some of the most important litigations in this country. In the trial of a case he is clear, keen and positive—having his resources always within command. As a speaker, forcible and attractive, with the faculty of getting at the gist of the matter in hand, and with powers of analysis of a high order. In writing and conversation, he is terse, pungent and sarcastic. In disposition, inclined to be selfish and unconcerned as to the opinions of others. In manner, dignified and imperial. As an office lawyer, he is painstaking and industrious. As a man, he is rigidly honest, outspoken, and reserved.

## REVERDY JOHNSON, MARYLAND.

(1796-1876.)

"At his death was without a peer at the American bar," says Eugene L. Didier. Born in Annapolis, Maryland, May 21, 1796; died there February 10, 1876, aged eighty-nine. Educated at St. John's college, the preparatory department of which he entered at six years of age, and began the study of law at seventeen with his father, the Chancellor of the State. Admitted at nineteen, removed to Baltimore, 1817. When twenty-five he was elected to the Maryland Senate, where he greatly distinguished himself; United States Senator, 1845-49; Attorney General of the United States under President Taylor. On President Fillmore's accession he resumed practice, and for twenty-five years was engaged in celebrated causes all over the country. In 1854, in behalf of some English claimant, he argued an important case before an Anglo-American commission, spending some months in London, where he was treated by the bar with great distinction. During the war, he supported the National administration, and at its close

avored the readmission of the Southern States. While a United States Senator, was appointed an umpire to adjust questions which had arisen out of the war, at New Orleans. In 1868 he succeeded Charles Francis Adams as Minister to England, and negotiated the "Johnson-Clarendon" treaty for the settlement of the Alabama claims. It embraced all that was ever obtained, but it was made a party question and rejected by the Senate. His recall in 1869 by President Grant was a party necessity. After his return he resumed his practice.

He was a man of the most outspoken candor and honesty, peculiarly winning in his character. His legal capacity and knowledge were great, and more arguments made by him will be found in the United States reports than of any other advocate in the country. In the domain of Constitutional law no one outranked him. At the trial board he displayed inflexible nerve, where his opponent had suddenly intruded an unlooked for crisis; a wonderful memory, a glorious voice, a humorous turn, and a great command of sarcasm.

## Encounter With Henry Winter Davis.

Johnson once twitted Henry Winter Davis in a trial with feebleness of memory. "Yes, Mr. Johnson," replied Davis, "but you will please remember that, unlike the lion in the play, I have something more to do than roar," in allusion to Johnson's glorious voice, with which he sometimes blew down juries.

## Extremely Homely.

Johnson's wife, being asked by a stranger how he could distinguish Johnson if he should run across him, answered: "When you see the homeliest man in the crowd, that is my husband."

## Wonderful Memory Encounter With Judge Curtis.

One time, in reply to Judge Benjamin R. Curtis, in the United States District Court for Maryland, he cited, without hesitation, volume after volume, page after page, giving number and text, from memory alone, in all comprising over twenty cases. Some of the cases to which he referred, Mr. Johnson afterward said, he had not seen for twenty-five years.—*Scott's Distinguished American Lawyers*, p. 490.

## Defense of Taney.

"Reverdy Johnson, in replying to the statement of Charles Sumner in 1865, in the United States Senate, that Taney would be looted down the pages of history, and that an emancipated country would fix upon his name the stigma it deserved, that he had adminis-



tered justice wickedly, had degraded the judiciary, and had degraded the age, answered: "The Senator from Massachusetts will be happy if his name shall stand as high upon the historic page as that of the learned judge who is now no more. I believe the decision was right, and feel that my opinion on a question of law is at least entitled to as much respect as that of either of the Senators from Massachusetts, [Wilson had also opposed the placing of a marble statue in the Supreme Court room], one of whom did not pretend to be a lawyer at all, while the other was a lawyer for only a few months."—1 Blaine's "Twenty Years of Congress," pp. 135-6.

#### Lost an Eye in Seconding a Duel.

He lost one eye, as second in a duel, from a piece of glancing bark.

## JAMES KENT, NEW YORK.

(1763-1847.)

A many-sided man. Born at Fredericks, New York, July 31, 1763; died at New York city, December 12, 1847, aged eighty-four. He was the son of a lawyer. He was placed in school at five; in a Latin school at nine; in Yale at fourteen, graduating at eighteen. He read law with Attorney General Egbert Benson of Poughkeepsie, and was admitted at twenty-two. Thence till a Supreme Judge, thirteen years later, he studied daily, Greek and Latin four hours before breakfast, French two hours after dinner, classic English part of his evenings, besides keeping abreast of his profession. It is as a Chancellor, law professor and author that he is renowned. He was sixteen years Supreme Judge of New York (1798-1814), ten of which he was Chief Justice; nine years Chancellor (1814-1823), but being then sixty years of age, he was incapacitated by the New York statutes, since repealed, though physically and mentally vigorous. He again became a professor in Columbia Law school in 1823, and was

strongly urged, especially by William Wirt, then United States Attorney General, for the Supreme Bench of the United States.

He effected, says Judge Duer, "a change in administering equity so extensive and entire that with a single exception (that of Lord Nottingham) it has no parallel in legal history." He introduced the custom of rendering written opinions. There being few American law books, and no reports—except those of Dallas just commencing—he pioneered. His Commentaries (1826-30), of which six editions were issued during his life, and 21,000 sets were sold up to 1853, at a profit of \$120,000 to him and his heirs, are more comprehensive in research, fuller in illustration, more copious in civil, commercial and maritime law, equity jurisprudence and the law of nations, than Blackstone; but do not include torts, crimes, administration, or procedure. "His decisions are without a superior in any country or age," says Hoffman. "Unequalled," adds Gibson, "by those of any English Chancellor since the Revolution, except, perhaps, those of Eldon."

### Parent's Duty to Child.

"The parent who sends his son into the world uneducated, defrauds the community of a useful citizen and bequeaths to it a nuisance."

### The Bible.

"The general diffusion of the Bible is the most effective way to civilize and humanize mankind; to purify and exalt the general system of public morals; to give efficacy to the first precepts of international and municipal law; to enforce the observance of prudence, temperance, justice and fortitude, and improve all the relations of social and domestic life."

### Rights of Individuals.

"The absolute rights of individuals may be resolved into the right of personal security, the right of personal liberty, and the right to acquire and enjoy property."

### Romans Despised Commerce.

"The genius of the Roman government was military, and not commercial. Mercantile professions were despised; nothing was esteemed honorable but the plow and the sword. They prohibited commerce to persons of birth, rank and fortune. Their navigation was for the purpose of war and not of commerce."

### Public Good Rather Than Private.

"A private mischief is to be endured rather than a public inconvenience. If a common highway be out of repair, a passenger may lawfully go through an adjoining private enclosure. So it is lawful to raze houses to the ground to prevent the spreading of conflagration."

### No Individual Perfect.

"As no individual is cursed with every vice, neither is any blessed with every virtue."

### Government for Man as He Is.

"Government must be framed for man as he is, and not for man as he would be if he were free from vice."—1 Kent's Com., 305.

### His Achievements.

"Kent's labors will stand pre-eminent among the intellectual achievements of American history."—Adlai E. Stevenson in an address, "The Lawyer," before the New York Bar Association, January 16, 1894.

### Burglary of Arm, Shoulder and Head.

One Cowdry was on trial before Judge Kent for burglary. The evidence showed he had cut a hole through a rubber tent, in which several persons were sleeping, projected his head and arm through the hole, and abstracted various valuable articles. His counsel claimed that inasmuch as his body never en-

tered the tent, there could be no conviction. The Judge charged the jury that if they were not satisfied that the whole man was involved in the crime, they might bring in a verdict of guilty against so much of him as they believed from the evidence was involved. The jury found the right arm and shoulder and the head of the prisoner guilty of burglary. The Judge sentenced the right arm, the right shoulder, and the head of Thomas Cowdry to imprisonment at hard labor in the State prison for two years, remarking that as to the rest of his body he might do with it what he pleased.

#### Commerce of the Greeks.

"The universality and stability of the Greek tongue were owing largely to the conquests of Alexander, to the loquacity of the Greeks, and the inimitable excellence of the language itself; but it is mainly due to the commercial genius of the people, and the colonies and factories which they established, and the trade and correspondence which they maintained throughout the then known parts of the Eastern world."

#### The Chancellor's Speech in Dishabille.

In the early days the Chancellor and his wife were driving to the then almost inaccessible region of Canandagua. As night came on they lost their way, stopped at a log house and solicited entertainment. They were welcomed by the good housewife,

given supper, and told that the husband was chopping wood a few miles off, and would be home late. She then told her guests to take her bed in the corner, and that she and her husband would sleep in the "chamber;" and desiring the Chancellor to let her husband in on his return, took a candle and climbed a ladder through a trap-door into the "chamber." The guests retired, but the Chancellor was uneasy. He told his wife "Betsey" that the door did not lock, that he feared the chopper finding another man in his bed, apparently with his wife, would begin to "chop." While in the act of putting a table against the door to gain time for explanations, a tall, stalwart figure, in red flannel shirt and big black cat-skin cap, pushed open the door. He looked thunder-struck, but was addressed by the guest in dishabille: "My name is James Kent. I am Chancellor of the State of New York. The woman in that bed is my wife, Betsey. Your wife is upstairs. There is your supper." The explanation, which was certainly not constructed on the theory of pleading in the Chancellor's court, made everything harmonious.

Learned.

"Kent has more law learning than most of the judges in the United States put together."—Wm. Wirt, 2 Kennedy's Life of Wirt, p. 181.

## SIR ALEXANDER LACOSTE, QUEBEC.

(1842- ———)

The Honorable Doctor of Civil Law, Privy Councillor, Chief Justice of Quebec since 1891. Born at Boucherville, January 12, 1842. He is of distinguished French descent, his father being for years a leading politician and Senator. Studied at St. Hyacinthe Seminary, and graduated with high honors at the University of Laval. Called to bar, 1863; took silk, 1880; rose rapidly and attained high rank and a large clientele. Of vigorous constitution and splendid talents, his capacity for dispatching work, either in chambers or the courts, was very great. His pleadings were characterized by a thorough mastery, not merely of the law, but of the facts. Rarely detained the court over an hour, and often but half that time. His great forte was getting at the pith of the case and tenaciously adhering to it till the end. He has been connected, during the last fifteen years, with some of the most important cases in the Quebec courts, appeals to the Supreme Court of Canada and to the Privy Council of England. He held leading



brief for the Quebec government in the case of Lambe and the Bank of Toronto, involving the right of the Legislature to impose a direct tax upon banks and commercial corporations, and conducted it to a successful issue before the Privy Council.

He was also a conspicuous political figure, strongly sympathizing with the Conservatives, and taking an active part in the campaigns, chiefly as the man of brains behind the scene. He was appointed Legislative Councillor of the Province of Quebec, and in 1884, was called to the Canadian Senate, becoming leader in the absence of Mr. Abbott, and in 1891, Speaker, in which capacity he proved a master of parliamentary procedure. Deeply versed in law, blessed with common sense and vigorous health, he has imparted fresh energy and vitality to the administration of justice in the Court of Appeal. In April 1893, he was appointed Administrator of the Province, thus becoming the chief of the executive. He is now discharging the duties of the dual office of Chief Justice and Administrator.

RODOLPHE LAFLAMME, QUEBEC.

(1827-1893.)

Queen's Counsel, Doctor of Civil Law. For thirty years one of the most successful and distinguished lawyers of the Province of Quebec. Son of Toussaint Laflamme, a leading Montreal merchant, and of Marguerite Susanne Thibaudeau, a daughter of an expelled Acadian of Nova Scotia. Born in Montreal, May 15, 1827; died December 7, 1893, aged sixty-six. Educated at St. Sulphice College; was unmarried. Called to the bar of the late Province of Lower Canada, 1849; appointed Queen's Counsel, 1863. Was for several years professor of the law of real property in McGill University, from which institution he received the degree of Doctor of Civil Law, 1873; was late Emeritus Professor of the faculty of law of that university. Represented in the House of Commons, the county of Jacques Cartier, 1872-8. At the time of his death he was a member of Her Majesty's Privy Council for Canada; was appointed Minister of Inland Revenue, 1873; declined a puisne judgeship in the Supreme Court of Canada,

1875; became Minister of Justice, 1877, but retired with his colleagues on the defeat of the Mackenzie government, September, 1878.

In politics, he was an ardent Liberal, and one of the earliest members of the Lower Canada Rouge party; became one of the editors of *L'Avenir*, a French Liberal journal of Montreal, and was, 1847, elected President of the Institut Canadien, Montreal, being one of its founders. For years he was one of the influential leaders of the Liberal party in Quebec. Thoroughly conversant with the French law of that province, and in the conduct of the important cases intrusted to him, he was always clear, logical, and forcible, fertile in resources, and ready for any emergency. Many of his opinions will stand the test of time. Undoubtedly his greatest case was the famous Guibord Catholic burial case. Other noted trials were: The Toronto Mail libel suit, and the defense of the St. Albans raiders. He was a man of strict integrity, highly honorable in his intercourse with his fellowmen, and greatly respected throughout his native province.

LUCIUS QUINTUS CINCINNATUS LAMAR, MIS-  
SISSIPPI.  
(1825-1893.)

"The strongest man I ever knew," says his former law partner, ex-Senator Walthall. Born near Eatonton, Georgia, September 1, 1825. Died in Macon, Georgia, January 23, 1893, aged sixty-seven. His father was a distinguished lawyer, and the youngest judge who ever sat upon the Supreme Bench of Georgia. Young Lamar graduated from Emory College at twenty; studied law with A. H. Chappell, of Macon, and was admitted at twenty-two. He was professor of mathematics, then of political economy and social science, and then of law in the University of Mississippi; member of the Georgia Legislature, 1853; Congressman from Mississippi, 1857-61; Colonel in the Confederacy, 1861-3; diplomatic agent to Russia under Davis, 1863; Representative and Senator in Congress, 1873-85; Secretary of the Interior, 1885-88; and Justice of the United States Supreme Court from January 18, 1888, till death.

With undaunted courage, he rose above the dic-

tates of men. In the House, he defended Jefferson Davis from reproaches he deemed unjust, and dared to eulogize Charles Sumner, reckless of his Southern critics; in the Senate, he voted against inflation in the teeth of his State's instructions, and gave Conkling the lie in debate in his celebrated encounter with that statesman; and upon the bench, he ably dissented in the Neagle case when an Associate's life had been attempted. He is the author of 105 opinions, including eleven dissents, of the Supreme Court (125 to 145 U. S.). They are marked by conscientious study, intellectual power, tenacious grasp, and broad conception of State and Federal authority. An omnivorous reader, he covered a wide range, both in the classics and the best English. Unostentatious in style, faultless in logic, elegant in diction, his speech was "passionately declaimed argument." Of his oratory, L. F. Youmans says: "The torch in his hand burned with withering power, and he wielded it without fear of man." He cared for nothing on earth as for his friends, his country and his honor. He was unreserved, absent-minded, artless, and unaffected.

### His Position on Secession Before the War.

"For one, I am no disunionist per se. I am devoted to the Constitution of this Union; and so long as the Republic throws its long arms around both sections of the country, I for one will bestow every talent which God has given me for its preservation and its glory. \* \* \* When the Constitution is violated, and when its spirit is no longer observed upon this floor, I war upon your Government. I am against it. I raise then the banner of secession, and I will fight under it as long as the blood flows and ebbs in my veins."

### The South After the War.

"I believe if Mr. Calhoun were here to-day, and could see his own South Carolina, he would have told here, if such counsel were necessary, that a people who in form surrender and profess to submit, yet continue secretly to nurse old resentments and past animosities, and cherish delusive schemes of reaction and revenge, will sooner or later degenerate into baseness and treachery, and treason. Ah, fellow-citizens, had he lived, his great talents would have, as they had ever been before, directed to save this people from the horrors of disunion and war. \* \* \* The mistake that was made by the Southern defenders of slavery was in regarding it as a permanent form of society, instead of a process of emergency and transition from barbarism to freedom."—Extract from speech at the unveiling of a statue of John C. Calhoun at Charleston, South Carolina.

## Charles Sumner.

"Charles Sumner was born with an instinctive love of freedom, and was educated from his earliest infancy to the belief that freedom is the natural and indefeasible right of every intelligent being having the outward form of man. In him, in fact, this creed seems to have been something more than a doctrine imbibed from teachers, or a result of education. To him it was a grand intuitive truth inscribed in blazing letters upon the tablet of his inner consciousness, to deny which would have been to him to deny that he himself existed. And along with this all-controlling love of freedom, he possessed a moral sensibility keenly intense and vivid, a consciousness which would never permit him to swerve by the breadth of a hair from what he pictured to himself as the path of duty. Thus were combined in him characteristics which have in all ages given to religion her martyrs, and to patriotism her self-sacrificing heroes."—Extract from eulogy on Charles Sumner in U. S. Senate, April 27, 1874.

## On Public Speaking.

"Never attempt to speak when you are not prepared. I try not to speak, unless I am prepared. I don't write my speeches; my practice is, when preparing a speech, after having determined what subjects to discuss, to frame my sentences in my mind;

to turn each sentence over and over until I get it in shape to suit me, and then to repeat it to myself until it is thoroughly impressed on my mind, and then to go on to the next sentence; so that when I am through with my preparation, I not only know what I am going to say, but the very gesture that will accompany every word of it. You will find it difficult at first to do that, but you can soon train yourself to it."—Advice to a young man: April, 1893, Green Bag.

### Tilt With Conkling in the United States Senate.

"If the Senator from New York accuses me of bad faith, I say to the Senator from New York he is guilty of a falsehood, and I repel it with all the contempt I feel for the author."—Lamar.

"Should the Senator from Mississippi, in the presence of the Senate, charge me by intimation with telling a falsehood, I would denounce him as a black-guard, a coward, and a liar."—Conkling.

"I have only to say to the Senator from New York, he understood me correctly. I said precisely the word he understood me. I beg pardon of the Senate for it; but my language was such as no good man would deserve, and no brave man would wear."—Lamar.

### Indian Policy.

"The only alternative now presented to the American Indian race is speedy entrance into the pale of American civilization, or absolute extinction, \* \*



\* After incorporating into our body politic four millions of blacks in a state of slavery, and investing them with citizenship and suffrage, we need not strain at the gnat of two hundred and sixty thousand Indians."—While Secretary of Interior.

### Worked Hard on His Decisions.

"Writing out a decision costs me two or three times the labor it costs a facile worker. Now, there's Judge Blatchford—he can take a record, master it, and" (with a quick gesture), "there is the whole thing—the decision produced in the time that it takes me to determine how I shall set about approaching the case."—In a conversation with Walter B. Hill: April, 1893, Green Bag.

### Longed for House of Representatives.

"While Secretary of the Interior, Mr. Fewell said to him, 'Colonel Lamar, this is no place for you; you ought—you will wear yourself out at this drudgery. I will tell you where you ought to be, and where our people need you, and need you badly.' 'Where?' he asked, exhibiting some interest. 'In the House.' Mr. Fewell answered. 'There is your place, there is where you ought to be,—to lead. We have no leader in that body, and things are going to the bow-wows there.' 'Instantly,' says Fewell, 'he was the Lamar of old. His eyes blazed; his countenance cast off its almost perpetual shadow; he rose to his feet and glared about him with the manner

of a prisoner who was called to break his bonds. He swept his arms through the air, and said with great but suppressed animation, 'You are right, by——! There is where I would like to be. If I were there, I would mash some of those —— fellows. I'd teach them some sense.' Then he recalled himself, and resumed his seat and his tired look. The light faded from his eyes, his frame became limp; a clerk came in with my letter; Lamar signed it. 'Good-by,' I said. 'Good-by,' he responded. We shook hands. I never saw him again.'—Walter B. Hill in April, 1893, Green Bag.

### A Justiceship His Ambition.

It was the ambition of Lamar's life to wind up his career as a Justice of the Supreme Court. While he was Secretary of War, Mr. Cleveland sent for him to talk to him about the position. Mr. Lamar showed so much interest in the matter, such boyish delight, that the President concluded then and there to gratify the goal of his ambition, and accordingly appointed him to succeed Mr. Justice Woods.

### Little Practice Before Coming to Bench.

"Lamar was called to the Supreme Bench after a career of extraordinary vicissitudes, in which the life of the camp and the battlefield, alternated with that of the forum and the hustings; almost without probation as a legal practitioner, but with a thorough theoretical and practical knowledge of great affairs

of state and with a well-earned National renown as an orator, statesman, and leader of men."—Atty. Gen'l Olney—remarks on death of Justice Blatchford.

### Hard Worker, Forgetful and Hearty Eater.

He was a hard worker, sometimes continuing for twenty-four hours at a stretch. He was not regular at his meals, and was liable to take his lunch at ten o'clock in the morning, four in the afternoon, or eleven at night, as the case might be; and he often forgot his meals altogether. Colonel Jonas, tells an incident while Lamar was in the United States Senate. He met Lamar coming out of the Senate chamber one evening with a most disgusted look. He said: "I am sick, and am going up into Maryland for two or three days." Colonel Jonas, who was his private secretary, knowing his habits, asked him if he had had his lunch. Lamar replied that he had not, that he became interested in something, and forgot all about it. Jonas asked him if he had eaten any breakfast, and Lamar replied no, that he had intended to breakfast at the Senate, but was so busy he had not done so. Upon further inquiry it was found that he had no supper the night before, for some reason, and it was now about seven o'clock on the evening following. Mr. Jonas said: "It is easy to see what is the matter with you, Senator. You are not sick. You are only hungry, and weak. You have not eaten anything for two days, and it is no wonder that you feel badly." They repaired to a res-

taurant, where Lamar ate nine hard boiled eggs, washing them down with two bottles of ginger ale, and when he got through, said he felt tip-top."

Fond of Literature, etc.

He was fond of literature and the arts, poetry and flowers, and could quote from the poets, classic and modern, almost ad libitum.

Sought to Overthrow the Nation and in Thirty Years  
Was on the Supreme Bench.

"Lamar was an important personage in the Confederate Government, having been its diplomatic agent to Russia, France and England, as well as Colonel in the army. He was a man of deep convictions, broad mind and unusual moral courage. His eulogy on Sumner, shortly after the latter's death, startled the South, and aroused at first the indignation of his constituents; but he conquered their prejudices in the end. His action in 1877, in voting against inflation in the teeth of instructions from the Legislature that had made him Senator, was another remarkable act that seemed at the time certain to cost him his seat; but again he converted his constituency, and was returned without opposition. He was Secretary of the Interior under Cleveland, and when he died, was a member of the United States Supreme Court. That the man who was sent abroad to secure the recognition of foreign nations for the Confederacy, should less than thirty years later have

taken his seat, with almost no protest, in the Supreme tribunal of the nation which he sought to overthrow, is a striking example of the way in which the wounds of the war have been healed."—New York Voice, February 2, 1893.

## ABIEL LEONARD, MISSOURI.

(1797-1863.)

Teacher, lawyer, legislator, judge. Born at Windsor, Vermont, May 16, 1797; died at St. Louis in 1863, aged sixty-six. He received a college education at Dartmouth, studied law in New York, and was licensed to practice in 1818. The next year he moved to Missouri, walking all the way there, locating at Franklin, that State; taught school for six months, and then opened a law office. In 1823 he became Circuit Attorney, and was highly recognized as a lawyer, his application to study having been such that he partially lost his eye-sight. In 1833 he was a member of the State Legislature, during which time there was a revision of the laws of the State, and he labored actively for the public schools. In 1855 he became a member of the Supreme Court of Missouri, and in 1857 resumed practice, maintaining an office also in St. Louis.

He was of Puritan stock, his grandfather being a chaplain in the Continental Army, and his father an officer in the War of 1812. His mother was a granddaughter of General Nathaniel Greene. Throughout

his professional career he was a great student and attained to an exceptional knowledge of the civil law, as well as a very wide acquaintance with general literature. He was characterized by independence of thought, undaunted courage, and absolute honesty. As a Judge of the Supreme Court he achieved a reputation for ability not limited to his State, because of the thoroughness and soundness of his legal views, the wide scope of his investigation, and the classic elegance of his diction. Many of his opinions are masterpieces, and have been classed among the leading cases in this country. Says J. V. C. Karnes, of the Kansas City bar: "Had he written only *Whitside v. Cannon* (23 Mo., 457), he would have been entitled to a place in the very front rank of American jurists." In the *Mulanphy will case* (*Chambers v. St. Louis*, 29 Mo., 543), the whole question of charitable uses was briefed and argued with exhaustive learning, unsurpassed even by Horace Binney in the *Girard will case*.

#### Fought a Duel.

In 1824, in addressing the jury in a case in which fraud was alleged against Major Taylor Berry, the

latter took offense at some of the criticisms and horse-whipped Mr. Leonard, who was too small physically to defend himself. Mr. Leonard saw no honorable escape from the dilemma, except to challenge Berry to fight a duel. The meeting took place, despite the interference of friends, and Berry fell mortally wounded. Public opinion sustained Mr. Leonard, and the Legislature subsequently removed the disbarment and political disabilities which the laws visited upon those who engaged in dueling. ~

#### A Massive Mind.

"Judge Leonard had a massive mind, and did much to mould the early jurisprudence of Missouri."—Bay's Bench and Bar of Missouri.

"Were the question, who was the greatest and most interesting man that ever stood in the ranks of the legal profession of Missouri, submitted for decision, the living members of that profession would doubtless ratify the views expressed by those who were his contemporaries, and award the palm to Abiel Leonard."—L. C. Krauthoff, in April, 1891. Green Bag.

#### Eyes Failed him.

He applied himself so diligently to study for the first two years that his eyes entirely failed him, and he paid a young man \$300 a year to read to him.



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## General Stringfellow's Opinion.

"Judge Leonard was a man of commanding intellect, profound learning, spotless integrity, unpretending generousities and kindness, and unflinching courage, moral and physical. In a word, he was the ablest lawyer I have known."—General Stringfellow.

Wrote 167 Opinions While on Missouri Supreme Bench.

He wrote opinions during his two and a half years on the Supreme Bench of Missouri (20-25 Mo.) in one hundred and sixty-seven cases, and not one can be recalled which his successors have criticised or overruled. But one dissenting case is found. His decisions are characterized by exhaustive research, and a thorough investigation of the English and American adjudicated cases.

Walked from Western New York to Franklin, Missouri.

When he arrived in Franklin, Missouri, to which he made his way on foot from western New York, a distance of fully twelve hundred miles, he was twenty-two years of age, and the possessor of a well-worn suit of clothes, and twenty-five cents in money.

## ABRAHAM LINCOLN, ILLIOIS.

(1809-1865.)

Sixteenth President of the United States. Born in Hardin county, Kentucky, February 12, 1809; died in Washington, April 15, 1865, aged fifty-six. Born in extremest poverty, wholly unaided by parents—his father being unable to read or write; only a year in any school, never for a day master of his own time till twenty-one, yet made his way to the Legislature of Illinois at twenty-five; to the law at twenty-seven; to Congress at thirty-seven; to the Presidency at fifty. A many-sided man, he was successively boatman, axeman, hired laborer, clerk, surveyor, captain, legislator, lawyer, postmaster, orator, politician, statesman, President. In his youth he read many times and partially transcribed "Aesop," "Crusoe," "Pilgrim's Progress," a "United States History," and "Weem's Washington." He also read deeply philosophy, science, and literature—especially Shakespeare. Was a master of style, and a commanding orator—his two-minute Gettysburg oration of two hundred and seventy-two words, being an enduring classic.

"Though a natural born lawyer," says Washburne, "he had yet studied profoundly the principles of the common law." Studied his cases so thoroughly, and was so uniformly successful, that he was regarded as unequalled, being in every important case in his circuit. No man in Illinois had such power before a jury. This consisted in perfect lucidity of statement; great fairness—often appearing to concede away his case—and skill to convey a common mind to his own conclusions. Disregarded custom, and when necessary was "hurtful in denunciation and merciless in castigation." Was for years attorney for the Illinois Central, and received a \$5,000 fee for successfully defending the McLean county tax case in the lower and Supreme Courts. The clearing of William Armstrong of murder, and the McCormick reaper patent case were important trials. "In all the elements," says Judge David Davis, "that constitute a great lawyer, he had few equals." Adds Bishop Fowler, "He gave liberty to one race, and security to another, and, measured by results, is the grandest man in history for six thousand years."

## Government of People.

"That this Nation, under God, shall have a new birth of freedom, and that Government of the people, by the people, for the people, shall not perish from the earth."—From speech at Gettysburg, November 19, 1863, which consists of 272 words, and has been pronounced "the most classic and most enduring of American orations." Edward Everett said of it in a letter to Lincoln: "I should be glad if I came as near the central idea of the occasion in two hours as you did in two minutes."

## Malice Toward None.

"With malice towards none, with charity for all, with firmness in the right, as God gives us to see the right."—Second inaugural address.

## People's Verdict.

"The verdict of the people can always be trusted when they have had a fair chance to hear the evidence."

## Fooling the People.

"You can fool all the people some of the time, and some of the people all the time, but you can't fool all of the people all of the time."

## Deliberation.

"Nothing valuable can be lost by taking time."—  
From first inaugural speech.

## Mother.

"All that I am, or hope to be, I owe to my angel mother—blessings on her memory."—Holland's *Life of Lincoln*, p. 23.

## Union Predicted.

"The mystic cords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be by the better angels of our nature."—From first inaugural speech, March 4, 1861.

## Secession.

"The principle of secession is one of disintegration, and one upon which no government can possibly endure."—Message to Congress, July, 1861.

## Union and Slavery.

"If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save or destroy slavery. If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing all the slaves, I would do it; and if I could save it by freeing

some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do believe it would help to save the Union."—His rejoinder to Horace Greeley, which words are inscribed on the base of Lincoln's statue in Chicago.

### Brevity in Speech.

Brevity in speech and writing was one of his marked characteristics. "He had the capacity of patience beyond any precedent on record."—Morse's *Life of Lincoln*, p. 242.

### Lincoln's Four Youthful Books.

Lincoln in his boyhood had access to four books, the Bible, "Pilgrim's Progress," which taught him to use figurative language, "Burns' Poems," which developed his fancy and imagination, and "Weem's Life of Washington," which inspired him with the noble spirit of Washington.

### Favorite Poem.

His favorite poem was, "Oh! Why Should the Spirit of Mortal Be Proud?" He was in the habit of reciting it often.

### No Stimulants.

Used no stimulants, and never indulged in profanity.



## At Twenty-seven.

Achieved a commanding position among the leaders of Illinois at twenty-seven, and from that time to the day of his death was recognized as one of the most powerful orators in the State.

## Walked One Hundred Miles.

"Walked to Vandalia—one hundred miles—to attend a political convention, and walked home again, at twenty-seven years of age."—Holland's *Life of Lincoln*, p. 71.

## As a Lawyer.

"He studied his cases with great thoroughness, and was so uniformly successful that the people regarded him as having no equal. He had been in practice but a short time when he was found habitually on one side or the other of every important case in the circuit. No man in Illinois had such power before a jury as he. His power consisted in the perfect lucidity of his statement, his great fairness in the treatment of both sides of a case, and his skill to conduct a common mind along the chain of his logic to his own conclusion."—*Id.* 77-8.

## Yielded Many Points in Lawsuits.

"He would yield point after point before a jury, that nearly every lawyer would dispute under the same circumstances, so that, sometimes his clients trembled with apprehension, and then after he had

given his opponent all he had claimed, and more than he had dared to claim, he would state his own side with such power and clearness that that which had seemed strong against him was reduced to weakness; that which had seemed to be sound was proved to be specious."—Id. 80.

#### Preponderance of Evidence.

"The side on which you would be willing to bet is the side on which rests the preponderance of evidence. It may not be right, but that is not the question."—To a jury.

#### Duel.

Was challenged to fight a duel in 1839, by James Shields, because, to save a young lady, he had fathered an offensive poem written by her. Lincoln chose broad-swords. Bloody Island, in the Mississippi, between Illinois and Missouri, was chosen as the place. But friends interfered, and it was never fought.

#### A Wise Man in Virginia.

"Being introduced to a very stout person by the name of Small he remarked, 'Small, Small. Well, what strange names they do give men, to be sure! Why, they've got a fellow down in Virginia whom they call Wise!'"—Mathew's "Words," etc., p. 271.

#### Ignorance of Father.

His father could neither read nor write.

## Subscription Paper.

A subscription was started in court to repair a rent in the seat of a brother lawyer's pantaloons, and being passed to Lincoln, until then a stranger to the rent and to the paper, he looked up, took in the situation at a glance, and wrote: "I have nothing to contribute to the end in view."

## His Stature.

Lincoln stood six feet and three-fourths inches in his stocking feet.—Holland, p. 35; Carpenter's Inner Life of Lincoln, p. 217.

## Greatest American.

"The greatest American of this century."—Dr. Herman E. Von Holst.

## Not the Choice for President.

"He was not the choice of the American people for President, but of less than half of them—and this, too, even if the Confederate States be excluded from the computation."—Morse's Life of Lincoln, p. 179.

## Abraham Lincoln—By Garfield.

"A character so unique that he stands alone, without a model in history or a parallel among men. Born to an inheritance of extremest poverty; surrounded by the rude forces of the wilderness; wholly unaided by parents; only one year in any school; never, for a day, master of his own time until he

reached his majority; making his way to the profession of the law by the hardest and roughest road;—yet by force of unconquerable will and persistent, patient work, he attained a foremost place in his profession.”—Extract from address, “Lincoln and Emancipation,” in House of Representatives, Feb. 12, 1878.

#### Watterson on Lincoln.

“Born as lowly as the Son of God, in a hovel; of what real parentage we know not; reared in penury, squalor, with no gleam of light, nor fair surroundings; a young manhood vexed by weird dreams and visions, bordering at times on madness; without a grace, natural or acquired; singularly awkward, ungainly, even among the uncouth about him; grotesque in his aspects and ways; it was reserved for this strange being, late in life, without name or fame, or preparation, to be snatched from obscurity, raised to supreme command at a supreme moment, and intrusted with the destiny of a nation.”—Extract from lecture, December, 1893.

#### Judge Breese on Lincoln.

“For my single self, I have for a quarter of a century regarded Mr. Lincoln as the finest lawyer I ever knew, and of a professional bearing so heightened and honorable, as justly and without derogating from the claim of others, entitling him to be presented to the profession as a model well worthy of the closest imitation.”—Memorial of the Illinois bar.

## Tributes to Lincoln.

"I have no hesitation in saying that he was one of the ablest lawyers I have ever known."—Judge Thomas Drummond.

"In all the elements that constitute the great lawyer, he had few equals. He was great both at nisi prius and before an appellate tribunal."—Judge David Davis.

"He was successful in every case at the bar that he ought to be. He was often appealed to by the judge to say what rule of law ought to be applied in a given case, and what disposition the parties ought to make of it, and his opinion when expressed, always seemed to be so reasonable, fair and just, that the parties accepted it."—J. P. Usher.

"He had no superior in Illinois, and few superiors in the older States, as a lawyer and an advocate."—Hugh McCulloch.

"He was a good lawyer and a great advocate."—John B. Alley.

"Stephen T. Logan and Lincoln formed a partnership in 1841, which lasted two years, and there was never a stronger law firm in the State. Though Mr. Lincoln was a natural born lawyer, he had yet studied profoundly the principles of the common law."—E. B. Washburne.

"In 1854, Lincoln was the leader of the bar in Illinois."—Lawrence Weldon.

"His power of analysis was wonderful. He strengthened every case he stated."—James B. Fry.

"Lincoln is the most commanding figure in the ranks of self-made men which America has yet produce—owed least to books, schools and society."—George S. Boutwell.

"He is the gentlest memory of our world."—Robert G. Ingersoll.

#### Attorney for Illinois Central.

For years before he was elected to the Presidency, Lincoln was attorney of the Illinois Central railroad, to assist local counsel.

#### Two Old Rails Brought Into Political Convention, 1859.

"At the State Republican convention at Decatur in May, 1859, Governor Oglesby announced, as Lincoln came into the hall, that an old Democrat of Macon county desired to make a contribution to the convention. The offer was accepted, and two old fence rails were brought in, gaudily decorated, inscribed: 'Abraham Lincoln, the rail candidate for the Presidency in 1860. Two rails from a lot of 3,000, made in 1830, by Thomas Hanks and Abe Lincoln—whose father was the first pioneer of Macon county.'"  
—Holland's Life of Lincoln, p. 198.

### Five Thousand Dollars From Illinois Central.

"One of his most important cases was *McLean County, Illinois, v. The Illinois Central Railway company* for taxes. Lincoln went to Chicago and put in a charge of two thousand dollars, above the retainer of two hundred and fifty dollars the company had sent him to attend to the defense. Lincoln won in the lower and Supreme Court. George B. McClellan, then superintendent of the railway company, was astonished at the exorbitant fee, and laughingly said, 'for that sum they could have secured the services of Daniel Webster.' Lincoln, much stung by the remark, withdrew his bill, returned to Springfield, and his lawyer-friends advised him to put in an account of five thousand dollars; that the legal question was an important one, settling the railway tax question throughout the State, and five thousand dollars was little enough. Lincoln accordingly brought suit. The case was tried in Bloomington before Judge David Davis, upon affidavits of N. B. Judd, O. H. Brown-ing, S. T. Logan, and Archy Williams, respecting the value of the services, and was decided in favor of the plaintiff, judgment being given for five thousand dollars."—Herndon, 351-2; Lamon, 331.

### Murder Trial of William Armstrong.

"The trial of William Armstrong for murder was an important suit. Old Hannah Armstrong, the friend of Lincoln's youth, mother of the defendant, had solicited him to defend her son. 'Lincoln told the

jury,' relates the prosecuting attorney, 'of his once being a poor, friendless boy; that Armstrong's parents took him into their house, fed and clothed him, and gave him a home. There were tears in his eyes as he spoke. The sight of his tall, quivering frame, and the particulars of the story he so pathetically told, moved the jury to tears, also, and they forgot the guilt of the defendant in their admiration of his advocate. It was the most touching scene I ever saw.'—Herndon, p. 357.

### The Wright Pension Case.

"David Davis said this of Lincoln: 'When in a law suit he believed his client was oppressed—as in the Wright case—he was hurtful in denunciation. When he attacked meanness, fraud or vice, he was powerful, merciless in castigation.' The Wright case referred to was a suit brought by Lincoln and Herndon to compel a pension agent to refund a portion of a fee which he had withheld from the widow of a Revolutionary soldier. The entire pension was four hundred dollars, of which sum the agent had retained one-half. The pensioner, an old woman crippled and bent with age, came hobbling into the office and told her story. It stirred Lincoln up, and he walked over to the agent's office and made a demand for a return of the money, but without success. Then suit was brought. The day before the trial Mr. Herndon looked up for Lincoln, at his request, a history of the Revolutionary War, of which he read a good portion.



He told Herndon to remain during the trial until he heard his address to the jury. 'For' said he, 'I am going to skin Wright, and get that money back.' The only witness introduced was the old lady, who through her tears told her story. In his speech to the jury, Lincoln recounted the causes leading to the Revolutionary struggle, drew a vivid picture of the hardships of Valley Forge, describing with minuteness the men, barefooted, and with bleeding feet, creeping over the ice. As he reached that point in his speech wherein he narrated the hardened action of the defendant in fleecing the old woman of her pension, his eyes flashed, and throwing aside his handkerchief, which he held in his right hand, he fairly launched into him. His speech for the next five or ten minutes justified the declaration of Davis, 'That he was hurtful in denunciation, and merciless in castigation.' There was no rule of court to restrain him in his argument, and 'never did I,' relates Herndon, 'either on the stump or on other occasions in court, see him so wrought up.' Before he closed he drew an ideal picture of the plaintiff's husband, the deceased soldier, parting with his wife at the threshold of their home, and kissing their little babe in the cradle, as he started for the war. 'Time rolls by,' he said in conclusion, 'the heroes of 1776 have passed away, and are encamped on the other shore. The soldier has gone to rest; and now, crippled, blinded, and broken, his widow comes to you and to me, gentlemen of the jury, to right her wrongs. She was not always thus.

She was once a beautiful young woman. Her step was as elastic, her face as fair, and her voice as sweet as any that rang in the mountains of old Virginia. But she is poor and defenseless. Out here on the prairies of Illinois, many hundreds of miles away from the scenes of her childhood, she appeals to us, who enjoy the privileges achieved for us by the patriots of the Revolution, for our sympathetic aid and protection. All I ask is, shall we befriend her? The speech made the desired impression on the jury. Half of them were in tears, while the defendant sat in the court-room, drawn up and writhing under the fire of Lincoln's fierce invective. The jury returned a verdict for every cent asked. Lincoln was so much interested in the old lady that he became her surety for costs, paid her way home, and her hotel bill while she was in Springfield. When the judgment was paid, the proceeds were remitted to her, and no charges made. Lincoln's notes for the argument were unique: 'No contract—Not professional services—Unreasonable charge—Money retained by defendant not given by plaintiff—Revolutionary War—Describe Valley Forge privations—Ice—Soldiers' bleeding feet—Plaintiff's husband—Soldiers leaving home for army—Skin defendant—Close.'"—Herndon's life of Lincoln, 340-1-2.

#### Logan's Shirt Joke.

"That which Lincoln's adversaries feared most was his apparent disregard of custom, or professional

propriety, in managing a case before a jury. He brushed aside all rules, and very often resorted to some strange and strategic performance which invariably broke his opponent down, or exercised some peculiar influence over the jury. Hence the other side in a case were in constant fear of one of his dramatic strokes, or trembled lest he should 'ring in' some ingeniously-planned interruption not on the program. In a case where Judge Logan, always earnest and grave, opposed him, Lincoln created no little merriment by his reference to Logan's style of dress. He carried the surprise in store for the latter till he reached his turn before the jury. Addressing them, he said: 'Gentlemen, you must be careful and not permit yourselves to be overcome by the eloquence of counsel for the defense. Judge Logan I know is an effective lawyer. I have met him too often to doubt that; but shrewd and careful though he be, still he is sometimes wrong. Since this trial has begun, I have discovered that, with all his caution and fastidiousness, he hasn't knowledge enough to put his shirt on right.' Logan turned red as crimson, but sure enough, Lincoln was correct, for the former had donned a shirt and by mistake had drawn it over his head with the pleated bosom behind. The general laugh which followed destroyed the effect of Logan's eloquence over the jury—the very point at which Lincoln aimed."—Herndon, p. 356.

## Abraham Lincoln as an Advocate.

"In the summer of 1881 I spent some time at Saratoga Springs, and had many conversations with the Honorable David Davis, then one of the Justices of the Supreme Court of the United States. He related to me some of his early experiences as a judge, and one of them made a very deep impression. I asked him the secret of Lincoln's success as a lawyer. He said that when he was a young man he was Judge of a Circuit Court in Illinois, and one time, while holding that court, two men came up for trial on the charge of murder. They had rich relatives, and one of them employed Abraham Lincoln to defend him, and the other employed Leonard Swett, afterward an eminent criminal lawyer, who lived in Chicago and died a few years ago.

"Judge Davis said that one evening, as it was the custom, Lincoln and Swett came to his room in the hotel, and during the conversation Lincoln spoke about as follows: 'Swett, Davis and I are old friends, and what we say here will never be repeated to our injury. Now, we have been engaged in this trial for two days, and I am satisfied that our clients are guilty, and that the witnesses for the State have told the truth. It is my opinion that the best thing we can do for our clients is to have them come in to-morrow morning, and plead guilty to manslaughter, and let Davis give them the lowest punishment.' Mr. Swett said he would do nothing of the kind. He said, 'Mr. Lincoln, you don't know what evidence I have got in

reserve to combat the witnesses for the State.' Mr. Lincoln replied, 'I don't care what evidence you have got, Swett; the witnesses for the State have told the truth, and the jury will believe them.' Mr. Swett said, 'Mr. Lincoln, I shall never agree to your proposition, and propose to carry on our defense to the end.' Mr. Lincoln replied, 'All right.'

"They went on with the trial. The defendants put their witnesses on the stand, and the time came for the arguments. Then Mr. Lincoln said to Mr. Swett, 'Now, Swett, I cannot argue this case, because our witnesses have been lying, and I don't believe them. You go on and make an argument.' Swett made the argument, the case went to the jury, and the men were acquitted.

"The next day Mr. Lincoln went to Mr. Swett and said: 'Swett, here is the \$500 which I have received for defending one of these men. It all belongs to you; take it.' Of course, Mr. Swett did not take the money; but it showed, as Judge Davis said, that Mr. Lincoln felt that he had done nothing to earn the money. Judge Davis told this story as illustrating the honesty and integrity of Abraham Lincoln as a lawyer."—Ratliffe Hicks, of N. Y., Feb. 1894, *Century*.

#### - Our Best Model for the Young Lawyer.

"There is no American life which is so full of encouragement to the young lawyer as that of our great Lincoln. He came through adversity, pure, refined,

illustrious, the peer of Washington, our great American, the best model for the young lawyer, one whose life has made our country the most powerful on the globe.”—L. E. Chittenden, June, 1894, Green Bag, p. 269.

### Read Little—Thought Much.

“Mr. Lincoln read less and thought more than any man in his sphere in America. When young he read the Bible, and when of age he read Shakespeare. This latter book was scarcely ever out of his mind.”—Herndon’s *Life of Lincoln*.

### Not a Reader of Novels.

“He stated in 1864 that he never read an entire novel in his life; that he once commenced ‘*Ivanhoe*’ but never finished it.”—Carpenter’s *Inner Life of Lincoln*, p. 115.

### “Close Construction”—“Rigid Government.”

“‘Rigid government’ and ‘close construction,’ Lincoln said was hanging a man for blowing his nose in the street, and quashing the indictment for failing to specify which hand he blew it with.”—Idem, p. 254.

### Judge—Intoxicated Coachman.

“The judge who told his intoxicated coachman ‘he was drunk,’ was told by the coachman ‘that was the first right decision he had given for the last twelve months.’”—Idem, p. 251.

### Instructed the Professor of Rhetoric.

“After Lincoln’s debate with Douglas, and before his nomination to the Presidency, in 1860, he made a political speech in New Haven. The professor of rhetoric in Yale College, not only listened closely to him there, but followed him up to Meriden the next evening, and heard him again for the same purpose. He gave a lecture to his class upon his powers as an orator.”—Carpenter’s *Inner Life of Lincoln*, p. 310.

### First Tariff Speech.

“Lincoln’s first speech on the tariff question was short and to the point. He said he did not pretend to know much about political economy, but thought he knew enough to know that ‘When an American paid twenty dollars for steel to an English manufacturer, America had the steel and England had the twenty dollars. But when he paid twenty dollars for steel to an American manufacturer, America had both the steel and the dollars.’”—From *Chicago Inter-Ocean*.

### Experience With Stanton.

For his experiences with Stanton see article on “Stanton.”

## SIR THOMAS LITTLETON, ENGLAND.

(1402-1481.)

Judge and legal writer. Born at Frankley House, Worcestershire, England, in 1402, and is supposed to have died August 23, 1481, aged seventy-nine. He was the eldest son of Thomas Westcote. His mother was Elizabeth, daughter and sole heir of Thomas de Littleton, whose name he took. He was a member of the Inner Temple, and in practice as a pleader in 1445. He held various minor offices. Was King's Sergeant in 1455, and Justice of the Common Pleas in 1466.

He was more of a counselor than an advocate. His fame rests upon a short treatise upon "Tenures," written late in his life, primarily for the instruction of his son, Richard, but it early became an authority. It was the first attempt at scientific classification. It was original, written in law-French, in an easy, agreeable style, within moderate compass, and gave a full and clear account of the several estates and tenures then known to English law, and their peculiar incidents. Doubtless no legal work ever combined so



much of the substance with so little show of learning, or so happily avoided pedantry, without forfeiting precision of statement. It was really the foundation of the real estate law from which Coke, Hale and Blackstone took the groundwork of their later commentaries. Coke's exhaustive commentary upon it is conclusive proof as to its position in his day, he designating it as "The most perfect and absolute work that ever was written in any known science." As annotated by Coke, it long remained the authority on real property. Both, now almost obsolete, though still occasionally cited, are chiefly valuable to the historian and antiquary. It was the boast of William Pinkney, that in his time there were but two men at the bar of the United States who had mastered Coke upon Littleton—Chief Justice Parsons and himself. Francis North (Lord Guilford) made it a rule to read Littleton through, without Coke's comment, which he said obscured the text, every Christmas, treating it as a legal classic.

**Francis North Read Littleton Every Christmas.**

Francis North made it a rule to read Littleton (that is, the pure Littleton, without Coke's comment) through every Christmas during the whole time of his practice. He treated this work as a legal classic, and as the foundation of conveyancing.

**Roger North's Opinion of Coke's Comments.**

"Coke's Comment upon Littleton ought not to be read by students, to whom it is, at least, unprofitable; for it is but a commonplace, and much more obscure than the bare text without it."—Roger North. Stephen's Dic. of Nat. Biog., p. 241.

## D'ALTON MCCARTHY, CANADA.

(1836- —).

The intellectual leader of the section known as the "Equal Rights" party, and ranks with Blake and Thompson as a leader of the House of Commons from Canada. Queen's Counsel, Toronto, Canada. Member of the Canadian House of Commons for the riding of North Simcoe since 1878. Born, 1836, in Dublin, Ireland. Called to the bar of Upper Canada in 1859; Queen's Counsel, 1872; Benchers of the Law Society of Ontario; President of the Canadian Branch of the Imperial Federation League, 1886-91. He first commenced practice at Barrie, Ontario, but his abilities and gifts were so generally recognized throughout the province that his removal to Toronto, the legal metropolis, became necessary. He is now a member of the firm of McCarthy, Osler, Hoskin and Creelman, which, though in existence comparatively a short time, has risen to a most commanding position.

Eminent both as a lawyer and a statesman, Mr. McCarthy is foremost as counsel in the higher and more intricate forms of litigation, although his wide

legal knowledge and powers of argument make him a master of pleading in every branch of the law. He has appeared in most of the important cases argued in recent years before the Judicial Commission of the English Privy Council, the most celebrated being the *Streams Bill Appeal*; *Maclaren and Canada Central Railway*; the *Ontario Boundary* case, in which he represented the Province of Manitoba; *Union Bank v. Tennant*. The cases mentioned all involve an important question of constitutional law.

In politics, he is a Conservative. Under Sir John Macdonald's regime, while the demands of his practice prevented him from holding a ministerial portfolio, he was a trusted legal adviser of the late Premier, and is identified with a number of Canada's most important legislative enactments. Latterly, Mr. McCarthy, differing from the policy of his party on the trade question, has become the leader of the movement in favor of tariff reform.

## JOHN McSWEENEY, OHIO.

(1824-1890.)

The greatest criminal lawyer the State of Ohio ever produced. Born at Black Rock, New York, August 30, 1824; died at Wooster, Ohio, January 22, 1890. aged fifty-five. He was of Irish descent—his mother being a sister of Daniel O'Connell. The cholera having swept away his parents in his infancy, he was educated, an orphan, at St. Xavier, Cincinnati, and Western Reserve colleges. He gained reputation for great proficiency in the classics. He read law with John Harris, of Canton, Ohio, located in Wooster in 1845, and about 1865 acquired National renown as a criminal lawyer, being engaged in nearly all the noted State cases, among others: Ohio v. Jeff. Bull; Ohio v. Long; Risser v. Parmley; Ohio v. J. R. and C. D. Mason; Ohio v. the Chesrowns; and the celebrated "Talley Sheet" cases, at Columbus, being opposed by Thurman, Mills, Huling, Nash and Holmes. He was also associated with Colonel Ingersoll in the defense of Stephen W. Dorsey, in the "Star Route" cases, at Washington, which resulted in an acquittal. His

fees during the latter years of his practice were large, and he became the wealthiest man in his county.

He was of magnificent physique, six feet two in height, expressive eyes, resonant and powerful voice, magnetic and dramatic manner. His language was the purest Saxon, adorned with poetic flowers and jolly Irish wit. He gormandized books, and was able with a single reading to almost reproduce a poem or a lecture. He was a master of cross-examination, which was never undertaken aimlessly. With the timid witness he was persuasive; with the willing, courteous; with the prevaricator, artful; with the brazen-cheeked, bold; with the impertinent, insolent; with the mendacious, terrible. During his forty-five years' practice, no matter how dry the subject or uninteresting the theme, he invariably made spirited and exciting speeches—never falling to the level of mediocrity. In his last jury effort, he emptied an opera house in defending a woman on penitentiary charges, so much more interesting was his argument. "In quality," says Wendell Phillips, "his arguments take rank with some of the great historic jury efforts,"

### Speaking After John Van Buren, and the Latter's Tribute To.

In the campaign of 1856 the Democrats held a great mass-meeting at Salem, Columbiana county, Ohio. John Van Buren, who was then at the zenith of his renown as a political orator, and in request everywhere, was secured for the occasion as the orator. When Mr. Van Buren had finished his speech, Mr. McSweeney, who was present and only thirty-two years of age, was induced to take the stand and gave them a short address. He had not spoken long when Mr. Van Buren turned to some one at his side and asked: "Who is that?" "That is John McSweeney, of Wooster," was the answer. "Why did you send to New York for a speaker when you have in Ohio such a speaker as McSweeney?" asked Mr. Van Buren.

### His Last Criminal Case More Attractive Than a Theater.

His last criminal case was the defense of a woman arraigneded on penitentiary charges that appeared conclusive against her. He closed his argument after supper on the last day of the trial. Rain was falling heavily. At the City Hall opera house an attractive theatrical performance was being held. While Mr. McSweeney was talking to the jury, a crowd of people filled the court-room to its utmost capacity, while the theatrical company was playing

to an almost empty house. The jury brought in a verdict for his client of "not guilty."

#### Dowlin Versus Second National Bank of Cleveland.

"I remember the case in which he won his fame as an orator in Cleveland. It was the suit of Captain Thomas Dowlin v. The Second National Bank, to recover \$10,000 worth of bonds deposited with the bank, and which had been stolen by a man who was formerly cashier. The case was tried three times. The first time the jury rendered a verdict of \$24,000 for the plaintiff, the second time it disagreed, and finally at the May term, in 1872, a verdict of \$13,000, in round numbers, was secured. McSweeney's speech was one of the best efforts of his life. He was well known for his play upon words, and in his speech at this trial said: 'When this old Captain came thundering at the doors of the bank for his bonds, he was given A Stone.' Amasa Stone was at the time connected with the bank. 'When the directors met,' said McSweeney, 'one of them arose and said, 'Let us pray,' only they spelled it with an 'e' at that bank.' Clasping his hands and closing his eyes, McSweeney offered up the alleged prayer, and it brought down the house. Judge Stephenson Burke was defending the case, and McSweeney drove many a hot shot at him during the course of the trial. His description of a directors' meeting was funny in the extreme, and he wound up by saying that they had got already to take the bonds when somebody suggested that there



might be some legal impediment. One member arose, and was asked where he was going. 'Never mind,' said he, 'I'll be back in a minute.' Soon after he came into the room swinging his hat and saying, 'It's all right. I've been down to see Judge Burke, and he says as long as we are within the scope of the bank we are liable, but as soon as we get out of the scope into the scoop we are not liable.'"—Reminiscences of a Cleveland lawyer, in a celebrated bank case.

#### Phillips' Reminiscence.

"While at Ottawa, Ohio, I heard McSweney in a criminal case. It was a masterly effort. He laid down such a solid foundation in his opening, defining a jury's duty in criminal trials, and pressed his claim home so effectively on them, that I felt, if the case had the usual amount of conflicting testimony, he had won it without going further. This presentation of a jury's duty was as remarkable for what it did not claim, as for anything else. He kept so carefully within the lines, that every jurymen felt not only what he asked was fair and reasonable, but was hardly up to what the cases he cited would allow him to claim. Then came the analysis of the connections, relations and bearing of three promissory notes—intricate and exceedingly difficult to disentangle. But it was done so clearly, briefly, and with such daylight distinctness, that the laziest jurymen listened to every word, and the dullest one among them could not escape understanding and appreciating the im-

pregnable logic of this part of his defense. This was a marvel of statement. He would make an excellent English minister to unravel and explain a budget. Then the pure Saxon—very few dictionary words—and wit enough to relieve what was necessarily a somber argument without weakening the solemnity of his appeal; and just that amount of pathos, rising naturally and almost inevitably from the facts, as would melt a jury without making them feel that their feelings were being used to warp their judgment. It was masterly. Of course it would not be called a great case; but in quality, McSweeney's argument takes rank with some of the great historic jury efforts."—Wendell Phillips.

### A Wide Reader and Hospitable Entertainer.

His reading outside of law took in a wide range—news, poetry, history, travel, science and the arts; theology, biography, the classics, and the Bible; and his conversation was delightful, instructive, entertaining and sparkling. At his home, of which he was fond, he was exceedingly hospitable, and was especially proud of his family. Shams and pretense he detested.

### A Lying Witness.

In commenting on the testimony of a lying witness, McSweeney simply said: "God made him for a man, so let him pass."

### Parody in Star Route Trial.

In the argument in 1883 of the Star Route case in defense of Stephen W. Dorsey, in which he was engaged with Robert G. Ingersoll, parodying on Poe's Raven, in describing the interview between Walsh and Brady, McSweeney said:

"Not the least obeisance made he, not a  
Moment stopped or staid he,  
Not even a parting damn to Brady,  
But stalked out the office door;  
Only this, and nothing more!"

### Physique and Voice.

He was a man of magnificent physique, six feet two inches in height, athletic form, expressive eyes and face, and a resonant and powerful voice, the modulation and control of which, in some respects, was the secret of his power.

### A Rape Case.

In defending a couple of young men for rape it was in evidence that their victim, an old German woman of fifty-seven, hallooed in the roadside where overtaken, "Bach"—the name of a neighbor, whose light was seen by the young desperadoes some thirty yards away. McSweeney used this circumstance with dramatic effect on the jury. Said he: "It is in evidence that this old grandmother there by the wayside hallooed 'Bach! Bach!! Bach!!'" [with a

sound that re-echoed through the corridors of the old court-house]. "Oh, give me that magic word, Bach, and I'll dispel the spirits. Banquo in Macbeth is nowhere!"

### Eccentric and Wealthy.

He was eccentric in his dress, regardless of the fashion, usually without a vest in summer, carrying a palm-leaf fan, and frequently wearing his straw hat far into winter. He reaped as the reward of his professional labors the largest wealth possessed by any man in his county—Wayne county, Ohio.

### A Great Reader and Had Wonderful Memory.

He gormandized books, and could with a single reading of a book, or once listening to a lecture, almost reproduce it. He could quote whole chapters from the Bible, and would frequently reproduce the tragic scenes from Shakespeare to a jury with telling effect.

### The Responsibility of a Jurymen.

His presentation to a jurymen of the responsibility of his position was something terrible. Approaching the most self-willed of the twelve, so that his finger would almost touch his nose, the great, towering orator would place one foot upon the rung of his chair, with, "I want you to find this man guilty beyond any reasonable doubt, and his honor will tell you what that is—never mind what the other eleven

men think. It's what you think! No compromise here with your conscience! If you have any reasonable doubt, and still bring in a verdict of guilty, and by that act of yours launch this poor soul to an ignominious eternity, think of the awful responsibility! You want to bring in a verdict so that when you go home and enter your secret closet to offer up prayer, you can be at peace with yourself and your Maker! If you don't do that, you are a whited sepulcher! But if you find him guilty as charged in the indictment, beyond all reasonable doubt, incarcerate him in the penitentiary, or deprive him of his existence. Never mind the consequences, for you are a tribunal of justice. You are not a tribunal of mercy. His honor will attend to that. Never mind his wife and seven poor children; you have nothing to do with them. Do as your conscience dictates and I shall be content."

#### Senator Brice on His Oratory.

"I have listened to Depew, Hoadly, Ingersoll, Choate and all the other charming speakers; but no one of them has ever so delighted me as did McSweeney in every instant of one of his great speeches."

#### His Style of Oratory.

"He was a master of style, free from mannerism. His language was the purest Saxon. He understood

the pitch and quality of tone in every shade of thought and emotion. If he desired to be sad or plaintive, the modulation was minor or semi-tonic; if inclined to irony, his voice waved upward and downward; if inclined to expression of awe or sublimity, it had a level movement from note to note, like the repeated sounds of a deep toned bell. Sober in pathos, furious in repartee, jolly in humor, terrific in invective."—The Collector.

## WAYNE MACVEAGH, PENNSYLVANIA.

(1833——.)

Ambassador Plenipotentiary of the United States to Italy. Born in Phoenixville, Chester county, Pennsylvania, April 19, 1833. He was graduated at Yale in the famous class of 1853, where he attracted attention by his powers as a disputant. He studied law with Joseph J. Lewis at West Chester, Pennsylvania, and was admitted to the bar in 1856, and soon gained the reputation of being a very able lawyer. When the war of the Rebellion broke out, Mr. MacVeagh was appointed major of a cavalry regiment, but was compelled to retire on account of ill-health. In 1863 he was chairman of the Republican central committee for Pennsylvania. President Grant appointed him Minister to Turkey in 1870, and in 1872-3 he was a member of the constitutional convention of his State. President Hayes made him chief member of the "MacVeagh Commission" in 1877 to represent him unofficially in the political entanglements in Louisiana, and bring matters there to an understanding. President Garfield called him to his Cabinet in 1881, as Attorney General, which he resigned, upon the accession of President Arthur, to resume his practice in Philadelphia. President Cleveland sent

him as Minister to Italy, which position he still holds.

Mr. MacVeagh has served as special counsel for the Pennsylvania Railroad company for many years. He is noted for his great forensic eloquence and wit, sarcasm and irony, quickness at repartee, and for his brightness and ability. He is a powerful stump-speaker, and has been very active in Presidential campaigns. He is now President of the Civil Service Reform Association, and is an Independent in politics. He has been twice married. His first wife was the daughter of his preceptor, Mr. Lewis, and his present wife, a daughter of the late Senator Simon Cameron, to whom he was long opposed politically. He has enjoyed a very large law practice, having a wide reputation in equity and patent cases. He is small, with the figure of a rail, and has nervousness written in every motion.

#### The Abuse of Thieves Is Commendable.

"In these days the abuse of thieves is the only decoration in our public life worth the winning, or the wearing, and it is the surest possible passport to the good opinion of honest men."—Said during the Star Route prosecutions: Savidge's Life of B. H. Brewster, p. 116.



## LORD MANSFIELD, (WILLIAM MURRAY), ENGLAND.

(1704-1793.)

The greatest judge the world ever saw. Born at Scone, Scotland, March 2, 1704, died at Highgate, England, March 20, 1793, aged eighty-nine. Educated at Oxford, and called to the bar at twenty-seven, with a brilliant reputation for scholarship and eloquence. For three years he made little progress, but Sergeant Eyre, an associate in a trial, being overcome in a fit, the management fell upon Murray, who made so admirable a speech that clients rushed to him in crowds, so that he used to say he knew no interval between no income and three thousand pounds a year. He was Solicitor General twelve years (1742-54), the longest and most brilliant solicitorship recorded in the annals of Westminster Hall; 1754 he became Attorney General and leader of the House of Commons; 1756 he was made Chief Justice and raised to the peerage as *Baron Mansfield*. In 1788 he resigned the Chief Justiceship, having held the position thirty-two years, during which time he was repeatedly offered

the Chancellorship. His house was sacked and burned in Bloomsbury Square, 1780, during the Gordon riots, because of his supposed opposition to the liberty of the press. At his death his annual income from his mortgages alone was \$150,000.

His reputation rests chiefly upon his character as a jurist, but two of his many thousand decisions ever being reversed. Says Justice Buller: "Certain of his judgments were of such transcendent power that his hearers were lost in admiration at the strength and stretch of the human understanding." Erskine apotheosized him as "the awful form and figure of Justice." He may be said to be the founder and creator of English mercantile law. "His statement of a case," says Lord Campbell, "is of itself worth the argument of any other man." He mastered ethics, Roman civil law, feudal law, and English municipal law, and yet found time for classic culture—translating the English into Latin—and time for oratorical exercises, obtaining the sobriquet of "the silver-tongued Murray," and standing second only to Pitt as an orator and statesman.

## Simile.

"There is nothing so unlike as a simile, and nothing more apt to mislead."—Quoted in 2 Wash. Real Estate, 160.

## Popularity.

"I wish popularity; but it is that popularity which follows, not that which is run after; it is that popularity which, sooner or later, never fails to do justice to the pursuit of noble ends by noble means. I will not do that which my conscience tells me is wrong, upon this occasion, to gain the huzzas of thousands or the daily praise of all the papers which come from the press. I will not avoid doing what I think is right, though it should draw on me the whole artillery of libels; all that falsehood and malice can invent, or the credulity of a deluded populace can swallow."—When Lord Chief Justice, June 8th, 1768, on the outlawry of John Wilkes.

## Reply to Chatham—Popularity.

"It has been imputed to me by the noble Earl (Chatham) on my left hand, that I, too, am running the race of popularity. If the noble Earl means by popularity the applause bestowed by after ages on good and virtuous actions, I have long been struggling in that race—to what purpose, all-trying time can alone determine; but if he means that mushroom popularity which is raised without merit, and lost without crime, he is much mistaken. I defy the no-

ble Earl to point out a single action in my life where the popularity of the times ever had the smallest influence upon my determination. I thank God I have a more permanent and steady rule for my conduct—the dictates of my own breast. Those who have foregone that pleasing adviser and given up their minds to the slavery of every popular impulse, I sincerely pity; I pity them still more if vanity leads them to mistake the shouts of a mob for the trumpet of fame. Experience might inform them that many who have been saluted with the huzzas of a crowd one day, have received its execrations the next; and many who, by the fools of their own times, have been held up as spotless patriots, have nevertheless appeared on the historian's page, when truth has triumphed over delusion, the assassins of liberty. Why, then, can the noble Earl think I am ambitious of present popularity—that echo of flattery and counterfeit of renown.”—In the House of Lords, May 19th, 1770.

#### General Rules and Justice.

“General rules are wisely established for obtaining justice with ease, certainty and dispatch; but the great end of them being to do justice, the court will see that it be really obtained.”

#### Equity.

“I never liked law so well as when it was like equity.”—Said by Mansfield when he became Chief Justice.

## Conscience.

"Conscience is not controllable by human laws and answerable to human tribunals; prosecutions or attempts to enforce conscience will never produce conviction, and were only calculated to make hypocrites of martyrs."

## Danger.

"Danger has always a very different effect upon the imagination of those who are near, and those who are at a distance from it. The former view it through the right, the latter through the wrong end of the telescope."—3 Vol. Campbell's Lives of the Chief Justices, p. 263.

## His Income on Mortgages.

"He used to say he neither invested in funds nor bought lands with them; the funds give interest without principal, and land, principal without interest, but mortgages, both principal and interest. At the time of his death the annual interest paid on mortgages held by him amounted to £30,000."—Idem, 464.

## Young Friends, Old Books.

"Young friends and old books," was a toast he used to give.—Idem, 464.

## Uses of Poverty.

"The best thing to make a great lawyer is great poverty."

## Lord Campbell's Estimate.

"Lord Mansfield must, I think, be considered the most prominent legal character, and the brightest ornament to the profession of the law, that appeared in England during the last century. As an advocate, he did not display the impassioned eloquence of Erskine, but he was for many years the first man at the bar among powerful competitors. \* \* \* Of his three successors, Kenyon, Ellenborough and Tenterden, the first affected a knowledge of nothing beyond law, except a few Latin quotations, which he constantly misapplied; the second, though a scholar, and a ripe and good one, was only a few months in the House of Commons, during which he did nothing beyond bringing in a law bill—and in the House of Lords, he rather alarmed the Peers by violent ebullitions of indignation, than charmed or convinced them by polished reasoning; the last, having devoted all his best years to the drawing of special pleas, never was a member of the House of Commons, and the few times he addressed the Lords he seemed to be opening to the jury the issues on some very complicated record."—3 Vol. Lives of Chief Justices, p. 470-2.

## As an Orator.

"In closeness of argument, in happiness of illustration, in copiousness and grace of diction, the oratory of Murray was unsurpassed; and, indeed, in all the qualities which conspire to form an able debater, he is allowed to have been Pitt's superior. When

measures were attacked, no one was better capable of defending them; when reasoning was the weapon employed, none handled it with such effect; but against declamatory invective his very temperament incapacitated him from contending with so much advantage. He was like an accomplished fencer, invulnerable to the thrusts of a small sword, but not equally able to ward off the down-right stroke of a bludgeon."—Welsby's *Eminent Judges*, p. 392.

#### His Defect of Character.

"His chief defect of character was a certain coldness and want of moral character."—*Encyclopedia Britannica*.

#### Chesterfield on His Oratory.

"Chesterfield said that Pitt and Murray were incomparably the best speakers in the House of Commons. That success of a good speaker turns more often upon manner than upon matter. The House expects pleasure from them, and therefore attends; finds it, and therefore approves."—3 Vol. *Lives of the Chief Justices*, page 281.

#### "Manors" and "Manners."

Sir Fletcher Norton, noted for his want of courtesy, was discussing before Lord Mansfield some questions of manorial right, and chanced to say, "My lord, I can illustrate the point in an instant in my

own person—I myself have two little manors.” Mansfield, with one of his blindest smiles, interposed, “We all know that, Sir Fletcher.”

#### Knowledge of Civil Law—Wirt.

“I believe Mansfield owed more of the boundless horizon and refulgence of his mind to the civil law than to all his other studies besides.”—Wm. Wirt, 2 Kennedy’s *Life of Wirt*, p. 181.

#### Prejudiced Against Horse-Dealer.

“Upon the trial of a horse-cause before Lord Mansfield, a witness was examined, who stated that the horse was returned to his master, after the gentleman, who had bought it, had kept it nearly three months. ‘What?’ said Lord Mansfield, ‘was your master willing, at the end of three months, to take it back again? How could he be such a fool? Who advised him to do that?’—‘My lord,’ said the witness, ‘I advised him to take the horse again.’—‘How could you be such a fool?’ said the Chief Justice. ‘What was your reason for giving that advice?’—‘Please you, my lord,’ said the witness, ‘I told my master, what all the world knows, that your lordship was always against a horse-dealer, right or wrong, and therefore he had better take it back.’”—1 *Twiss’ Life of Eldon*, p. 177.



## Lord Ashburton's Tribute.

"It was exceedingly difficult to answer him when he was wrong, and impossible when he was right."—Lord Ashburton: Mathews' *Getting on in the World*. p. 433.

## Welsby's Tribute.

"He has done more for the jurisprudence of this country than any legislator or judge or author who has ever made the improvement of it his object."

## Afraid of Pitt.

"Though the ablest man, as well as the ablest debater, in the House, according to Lord Waldegrave, he bore, in agitated silence, the assaults of Pitt, to which he did not dare to reply."—Mathew's *Oratory*.

## His Mere Statement.

"Murray's statement is of itself worth the argument of any other man,' was a common saying."—Campbell's *Lives of Chief Justices*.

## JOHN MARSHALL, VIRGINIA.

(1755 1835.)

One of the three great law constructors—Holt, Mansfield, Marshall. Born in Germantown, Virginia, September 24, 1755; died in Philadelphia, July 6, 1835, aged seventy-nine. He had a good education, but no college course. Began the study of law at eighteen, leaving to serve six years in the Revolution, where he became Lieutenant. Admitted at twenty-five; had the largest practice in Virginia at twenty-seven; member of the Legislature at thirty-two; of the constitutional convention at thirty-three; refused a United States Attorney-Generalship and Foreign Missions from Adams; Minister to France at forty-two; member of Congress at forty-four; Secretary of War and State under Adams; made Chief Justice by Adams January 31, 1801, to succeed Ellsworth, and held the position thirty-four years, until his death.

Adams said his gift of Marshall to the people of the United States was the proudest act of his life. His best biography is his decisions. "Their most

striking characteristics," says Mr. Justice Bradley, "are crystalline clearness of thought, irrefragable logic, and a wide, statesman-like view of all questions of public consequence." He made Federalist law in nine cases out of ten. Without imagination, his mind was mathematical and legislative. He was neither literary nor scholarly. Often wound up his decisions with, "These seem to be the conclusions to which we are conducted by the reason and spirit of the law. Brother Story will furnish the authorities." His decisions (1 Cranch-9 Pet.—30 volumes), 519 in number, with but eight dissents, are marked by great reach, and the application of general principles refined in the mill of his inexorable logic. "The Constitution," says Story, "owes more to him than to any other single mind for its true interpretation and vindication." "I have never seen a man," says Webster, "of whose intellect I had a higher opinion."

He was tall, meager, emaciated, awkward; kind, genial, simple, unpretentious; plain in dress, an 'eloquent listener;' "a reveler at quoit-playing by day, and novel-reading by night."

## The Judiciary.

"The judge has to pass between the government and the man whom the government is prosecuting; between the most powerful individual in the community and the poorest and most unpopular. The judicial department comes home, in its effects, to every man's fireside; it passes on his property, his reputation, his life, his all. Is it not to the last degree important that he should be rendered perfectly and completely independent, with nothing to influence or control him but God and his conscience."—Extract from speech on the State Judiciary in Constitutional Convention of Virginia in 1830, at age of seventy-five.

## Washington.

"To the memory of the man, first in war, first in peace, and first in the hearts of his fellow-citizens."—From the resolutions presented to the House of Representatives on the death of General Washington, December, 1799.

## Upon Death of His Wife.

"This day of joy and festivity to the whole Christian world is, to my sad heart, the anniversary of the keenest affliction which humanity can sustain. While around is gladness, my mind dwells on the silent tomb, and cherishes the remembrance of the beloved object which it contains. On the 25th of December, 1831, it was the will of Heaven to take to itself the companion who has sweetened the choicest part of

my life, has rendered toil a pleasure, has partaken of all my feelings, and was enthroned in the inmost recesses of my heart. Never can I cease to feel the loss and to deplore it. Grief for her is too sacred ever to be profaned on this day, which shall be, during my existence, marked by a recollection of her virtues.

\* \* \* More than a thousand times since the 25th of December, 1831, have I repeated to myself the beautiful lines written by General Burgoyne, under similar affliction, substituting 'Mary' for 'Anna:'

'Encompassed in an angel's frame  
An angel's virtues lay;  
Too soon did Heaven assert its claim  
And take its own away.  
My Mary's worth, my Mary's charms,  
Can never more return.  
What now shall fill these widowed arms?  
Ah! me, my Mary's urn.  
Ah! me, ah! me, my Mary's urn.'

—Extract from letter written by himself, Dec. 25, 1832, and found among his papers.

#### Unassuming—Carrying Home Turkey.

"At one time, while at market, a young man who had recently removed to Richmond, was fretting and swearing violently because he could find no one to take home his turkey. Marshall stepped up and offered to take the turkey home for him. Arriving at the house, the young man inquired, 'What shall I pay you?' 'Oh, nothing,' was the reply; 'it was on my

way, and no trouble.' As Marshall walked away, the other inquired of a bystander, 'Who is that polite old man that brought home my turkey for me?' 'That,' was the reply, 'is Judge Marshall, Chief Justice of the United States.'—Magruder's *Life of Marshall*, p. 273.

### Pen Picture of Marshall.

"John Marshall had rare gifts. His character was the result of a peculiar interblending of many opposites—its power lay in the combination. He was simple and unpretentious, and as modest, sensitive and adverse to every form of notoriety as he was courageous; he had an ardent, social nature, a seductive personal magnetism; he was a delightful companion, fluent and facile in conversation, and, aside from Andrew Johnson, the most eloquent listener in the Union; he was full of sly, waggish humor, genial and convivial; his temper was serene and imperturbable; his patience almost inexhaustible; and his judgment clear, cool, wary and calculating. In youth and early manhood he delighted in foot-races and the rough sports of the country, and was as full of poetic longings, aspirations, day-dreams and romances as a school-girl. Naturally indolent, and seldom studious, from boyhood to the 'yellow-leaf' of old age his soul reveled in quoit-playing by day and novel-reading by night. Like Webster he loved a plain house and a sumptuous board—loved solid power and the luxury of ease; and, like Everett, loved the old home,

old scenes, old friends, and old wine. He never sought office; cared little for place, nothing for titles. He was a born diplomatist, and showed himself an overmatch for Talleyrand, with all the latter's training. He was a natural politician, and, in general, knew thoroughly the public men of Virginia and Maryland, with whom he was brought in personal contact, and but little of those in the rest of the Union. His powers of analysis, like those of Fox, were singularly acute; no man could be clearer, if he chose, in statement or in reasoning; but, when hard pressed, his subtlety in both, equaled only by that of Aaron Burr, in practice, enabled him to ascend, by abstract reasoning, into the clouds, beyond the reach of ordinary minds. He cared little for authority, but relied mainly on his own reflections. With Story the test was, 'the policy of the law is——;' with Marshall, 'I have not looked much into the cases, but I think the law ought to be——;' or, as Story says, 'While I am compelled to creep from point to headland, Marshall puts out to sea.' Without imagination, his mind was essentially mathematical and legislative. He loved not Coke, the stern old framer of the *Petition of Right*, but the courtly Blackstone. He lacked the attainments of Jay; the great legal learning and the superb organizing genius of Rutledge; and great opportunities were afforded him during his long judicial life which Ellsworth never had; but the kingly dignity, the exalted conscience, the immutability of will, and the slow but ponderous intellect of

the latter were wanting."—Shirley's Dartmouth College Cases.

### His Careless Appearance Lost Him a Case.

A gentleman who wished to retain a lawyer met Marshall one morning strolling through the streets of Richmond, attired in a plain linen round-about and shorts, eating cherries from his hat, which he carried under his arm. Marshall had been recommended to him as the best lawyer for him to employ, but the careless, languid air of young Marshall so prejudiced the gentleman that he did not engage him. But he employed a venerable-looking gentleman in a powdered wig and black coat, very dignified in appearance. The client, seeing what a master Marshall was, in a case which came on before his own, in which both attorneys were engaged, introduced himself to young Marshall, frankly stating his prejudice; that he had come into the city with one hundred dollars, and had given the other attorney all the money he had, except five dollars, which, if Marshall chose, he would cheerfully give him to assist in the case. Marshall, pleased at the incident, accepted.—Macgruder's Life of Marshall, p. 34.

### Writ on Marshall's Concentration of Mind.

"Here is John Marshall, whose mind seems to be little less than a mountain of barren and stupendous rocks—an inexhaustible quarry from which he draws his materials and builds his fabrics, rude and Gothic,



but of such strength that neither time nor force can beat them down; a fellow who would not turn off a single step from the right line of his argument though a paradise should rise to tempt him."

Received the Chief Justiceship for Party Service.

"He was appointed Chief Justice because of his defense, when a Representative in Congress, of Mr. Adams' administration, in the case of Jonathan Robbins, who claimed to be an American citizen, but was delivered up to the British government as a deserter, and was hanged at the yard-arm of a British man-of-war. The act was seized upon by the opposite party, and denounced by resolutions offered in the House of Representatives, but the transcendent speech of Marshall on the floor of the House shut their mouths."—Tyler's Taney's Memoirs, p. 251.

#### Marshall's Generosity.

Meeting an old brother officer of the Revolution at the hotel in Culpeper, much distressed by a \$3000 mortgage on his estate about to fall due, Marshall left a check for the amount with the landlord, directing him to hand it to his friend after his departure. Impelled by chivalrous independence, his friend mounted and spurred his horse until he overtook the judge, and then, with thanks, sought to decline the assistance. But Marshall strenuously persisted, and finally compromised by taking security for the loan; but never called for the money.—Howe's Virginia Historical Collection, p. 266,

**LUTHER MARTIN, MARYLAND.**

(1748-1826.)

The famous Attorney General of Maryland, and the acknowledged head of the American bar from the Revolution to 1810. Born at New Brunswick, New Jersey, February 9, 1718; died at Aaron Burr's home in New York, July 10, 1826, aged seventy-eight. He was the son of a small farmer, entered Princeton at thirteen, showing great talents and industry, and graduated at eighteen with first honors. He taught several years, read law with Solomon Wright, and was admitted at Williamsburg, Virginia, in 1771, where he is said to have defended thirty-eight persons and cleared twenty-nine. Removed to Somerset, Maryland. Was twenty-seven years Attorney General of Maryland (1778-1805), and when he resigned had the largest practice in the State. A member of the Constitutional Convention of 1787, he is the author of the Bill of Rights, forming Article VI. of the Constitution, a clear and positive declaration of the supremacy of the National Government, but he opposed that instrument, generally, and left the con-

vention rather than sign it. He was a judge in Baltimore, 1814-16, and again State Attorney General, 1818. In 1820 he was stricken with paralysis, and every lawyer in the State was compelled by legislative act to pay yearly a license fee of five dollars for his support.

He successfully defended Mr. Justice Chase, of the United States Supreme Court, before an impeaching Senate in 1804, and cleared Aaron Burr for treason at Richmond, in 1807, displaying so much zeal that Jefferson asked the prosecutor whether the government should "move to commit him as particeps criminis of Burr's;" that he was "an unprincipled and impudent Federal bull-dog." A nine days' debate took place in the case as to the admissibility of indirect and collateral evidence to prove intent—no overt act having been established Marshall excluded it. It has been pronounced the finest display of knowledge and ability of which the American bar can boast. He was of iron will and unyielding firmness; drunken, generous, slovenly, grand, rollicking, witty, audacious.

Author of Article VI. of United States Constitution.

"This Constitution and the laws of the United States made, and which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

This Bill of Rights of the Federal Judiciary was proposed in the Constitutional Convention, July 17th, 1787, by Luther Martin, and was unanimously adopted, and stands as Article VI. of the Constitution.

Description of, in the Chase Impeachment Trial.

"He was a counsel such as neither Senate nor House could command, the most formidable of American advocates, the rollicking, witty, audacious Attorney General of Maryland; boon companion of Associate Justice Chase, whom he was defending on charges of impeachment, before Aaron Burr as Vice President (whom he afterwards defended for treason). He was also the boon companion of the whole bar; drunken, generous, slovenly, grand; bull-dog of Federalism, as Mr. Jefferson called him; shouting with a school-boy's fun at the idea of tearing Randolph's indictment to pieces, and teaching the Virginian Democrats some law; the notorious, reprobate genius, Luther Martin."—Adams' *Life of John Randolph*, p. 141.

### The Chase Impeachment Speech.

"Nothing can be finer in its way than Martin's famous speech in reply to Randolph in the Chase impeachment. Its rugged and sustained force; its strong humor, audacity and dexterity; its even flow and simple choice of language, free from rhetoric and affectations; its close and compulsive grip of the law; its good-natured contempt for the obstacles put in its way—all these signs of elemental vigor were like the forces of nature, simple, direct, fresh as winds and ocean, but they were opposite qualities to those which Randolph displayed."—Adams' *Life of Randolph*, p. 147.

### His Habits, Dress and Manners.

"He often appeared in court evidently intoxicated, and, perhaps, was not free from the influence of stimulants when I first heard him. His dress was a compound of the fine and the coarse, and appeared never to have felt the brush. He wore ruffles on the wrists, richly edged with lace—although every other person had long ago abandoned them—and these ruffles, conspicuously broad, were dabbled and soiled, and showed that they had not been changed for a day or more. His voice was not musical, and when much excited it cracked. His argument was full of digressions and irrelevant or unimportant matter; and his points were mixed up together and argued with much repetition, and his speech was consequently unreasonably long. He was an accomplished scholar, and

wrote with classical correctness and great strength. But in his speech he seemed to delight in using vulgarisms which were never heard except among the colored servants or the ignorant and uneducated whites."—Sam'l Tyler in Taney's Memoirs, p. 65.

### His Defense of Aaron Burr.

"Luther Martin appeared as the leading lawyer for the defense of Aaron Burr. Burr remembered Martin's splendid and successful defense of Judge Chase, when, as Vice President, he presided over the august court of impeachment, and when Burr got into trouble he secured Martin's services. He displayed so much zeal, energy and activity in the case of his celebrated client that Jefferson asked George Hay, the prosecuting attorney, whether the Government should 'move to commit Luther Martin as particeps criminis of Burr;' and the President of the United States goes on to denounce Martin as 'an unprincipled and impudent bull-dog.' Having failed to prove a single overt act of treason on the part of Burr, the prosecution was about to introduce indirect and collateral evidence, when the counsel for the defense very promptly and properly objected; and a debate on this question took place which lasted nine days. It has been pronounced the finest display of legal knowledge and ability of which the history of the American bar can boast. The question was whether, until the fact of a crime is proved, anything may be heard respecting the guilty intention of the

person accused. The counsel for the defense contended, first, that no overt act had been committed; and, secondly, if any overt act had been committed, the evidence pointed to Blennerhassett as the principal, and to Burr as a possible accessory. It was during this debate that William Wirt made his famous defense of Blennerhassett, which became a favorite piece of declamation with ambitious school-boy orators, and did more to make and keep Aaron Burr odious than anything ever written or spoken of him. Luther Martin took a foremost part in this debate, and the result was the acquittal of Burr. During the whole course of the trial Martin had proved himself the true friend of his client. Not only did he defend him with learning and eloquence, but day after day he entered into a recognizance for his appearance; and when Burr was acquitted he invited him to his house in Baltimore, where he was entertained hospitably."—Eugene L. Didier, April, 1891, Green Bag.

Assisted Taney at Hagerstown—Drunken Condition.

"On one occasion Martin was associated with Taney in an important ejectment case at Hagerstown, Maryland. They started out from Frederick, twenty-six miles away, and made the journey in five relays. At every stop Martin took whisky, when he could get it, ale when he could not, and buttermilk when he could get neither. Taney, according to appointment, called at Martin's room at eleven o'clock at night, and

found him with his hat, one boot and all his clothes on, lying across the bed asleep from his various potations. The next morning Taney was obliged to go into court alone. But just as the case was called in walked Mr. Martin. 'And in none of his forensic efforts,' says Judge Taney, 'did he exceed his skill in the management of this cause; and from this trial I, comparatively a young man, got a new insight into ejection causes.'"—Taney's *Memoirs*, p. 122-3.

#### Fond of Music—Serenade.

"Martin was very fond of music, but could not distinguish one tune from another. After his defense of Burr for treason he was very unpopular in Baltimore. A crowd surrounded his house with a band of music playing the Rogue's March. The old gentleman took it as a compliment, walked to the front and thanked them politely for their music. Not expecting such a reception, the mob stared and moved on, and his family, who were much terrified, gave him a hint to slip away from the door."—Bigelow's *Bench and Bar*, p. 229.

#### His Absence of Mind—Apologizing\* to a Cow.

On his way home he was in the habit of reading the newspapers, becoming so absorbed at times as to pass his door, when he would look up, saying, "Bless me, I have passed my house," and, resuming his reading, would perhaps go as far the other way, much to the amusement of the neighboring youth.



It is reported that he once ran into a cow, took off his hat, and with a bow apologized, "I beg your pardon, madam," without discovering his mistake.

### Whisky-Saturated Bread.

Martin was once retained to try a case in Montgomery county, Maryland, upon the condition that he drink no liquor during the pendency of the suit. After a couple of days' trial he found himself utterly unable to cope with his adversary, as he was usually saturated with liquor, but remembering his fee depended upon his not imbibing, and that his success hung on his imbibing, he sent out for a loaf of bread and had the same saturated with a pint of whisky, after eating which he concluded the case, vanquishing his foe.

**JEREMIAH MASON, MASSACHUSETTS.****(1768-1848.)**

Said by many to be the ablest lawyer in New England during his time. Born at Lebanon, Connecticut, April 27, 1768; died in Boston October 14, 1848, aged eighty. The son of a well-to-do farmer, he graduated at Yale at twenty, attended law trials in New Haven, visited Albany, New York, meeting Hamilton and Burr; read law with Simeon Baldwin, of New Haven, was admitted in 1791, and settled at Westmoreland, New Hampshire. He moved to Portsmouth in 1797, was United States Senator 1813-17, and before 1813 had no equal as a lawyer in the State. In 1802 he was Attorney General of the State, and was frequently pitted against Webster, who settled in Portsmouth in 1807. Mr. Mason moved to Boston in 1832, where he practiced till seventy years of age. Bowdoin, Harvard and Dartmouth conferred upon him the degree of LL. D. .

His abilities were of the very highest order. His judgment was unerring, whether dealing with law or facts; his learning, profound in all departments of

the law; his tact in court, sagacious and unfailing. Of all lawyers, he was the most successful—no man tried so many cases and lost so few, in proportion to those tried. Says Hillard: "There was nothing wanted of a lawyer he could not do as well as any and better than most." "Not so much a lawyer as law embodied," adds Whipple. "In my library," says Benjamin F. Butler, "stand three busts of the three greatest lawyers, each in his sphere, of whom I have ever had any knowledge: Mason, Webster and Choate." Webster, being asked who was the greatest lawyer in the United States, replied: "I should say, of course, John Marshall; but if you should take me by the throat, and run me back into a corner and demand, 'Now, Webster, upon honor, who is the greatest lawyer?' I should have to say Jeremiah Mason." Webster said he owed his success to the close attention he was compelled to pay for nine successive years, from day to day, to Mason's efforts at the same bar.

Mason was six feet seven inches in height, and his language, always very forcible and direct, was, when irritated, somewhat profane.

## Tax Brain to Utmost.

"Unless a man tax his brain occasionally to the utmost, he will soon begin to fail."

## Objected to the Judge Putting Question.

"A distinguished judge before whom Mason was trying a case, put to a witness a question of very doubtful competency. Mr. Mason bluntly exclaimed, 'If your honor puts that question for us, we don't want it; if you put it for the other side, I object that it isn't evidence.'"—Nov., 1889, Green Bag.

## Slow Judge.

"Being asked what he thought of a judicial appointment, he replied: 'He'll make a slow judge.' 'Do you mean, Mr. Mason, that his mental processes are slow?' 'No, it's not that; but he'll have twice as much to do as most other judges. He'll have first to decide what's right, and then to decide whether he'll do it.'"—Idem.

## His Professional Position.

"Mr. Mason was a great lawyer, perhaps the greatest lawyer that ever practiced at the bar of New England. \* \* \* Of all men who ever practiced law in New England, he was the most fully equipped with all the weapons of attack and defense needed in the trial of causes. He was the most formidable opponent. And, of all lawyers, he was the most successful; that is, no other man ever tried so many cases

and lost so few, in proportion to the whole number tried. \* \* \* No man could argue a legal question before a court with more learning and power; no man could try a cause with more tact, judgment and skill. Though not eloquent, in the common acceptance of that term, no man could address a jury more persuasively and effectively. No man's opinions as chamber counsel, whether oral or written, were more carefully considered or wiser. No man in all the departments of professional life ever made fewer mistakes."—Geo. S. Millard.

#### Butler's Opinion of.

"I was quite young when I first saw Jeremiah Mason. In late life I saw him not unfrequently in court trying cases, some of them of the very greatest importance, and I had such cause to reverence and admire him that in my library stand three busts of the three greatest lawyers, each in his peculiar sphere, of whom I ever had any knowledge: Jeremiah Mason, Daniel Webster and Rufus Choate."—Butler's Book, p. 64.

#### Consulted by an Insurance President.

Just as Mason was about to leave his office one morning, a pompous president of an insurance company called to consult him. Said Mason: "Mr. B., I must be in court in twenty minutes. Please to state the facts in your case as tersely as you can, and I will give you my best attention." But Mr. B. could not

help stating his own views of the law as he proceeded, and it was pretty obvious that he would not be able to finish his statement within the time allowed. The old lawyer was silent and indignant during the twenty minutes, and then rose, looked at his watch and said, "Good morning, Mr. B.; were you always such a damned fool."

#### His Style Conversational.

"His style before a jury was conversational and plain. He would go close to the jury-box, and force conviction upon his hearers, and carry off verdict after verdict."—Lodge's *Life of Webster*, p. 40.

#### His Manner, Language, Appearance, Etc.

"In 1832 I went to hear Mr. Mason before a House committee of the Legislature of Massachusetts in favor of a bill for the incorporation of a company to construct a railroad from Boston to Salem. The bill was violently opposed. Mr. Mason was then in the meridian of life, and without a peer in his profession. He was employed to appear before the committee. I went to hear him. He had not spoken five minutes before my attention was absorbed, and although he spoke for nearly two hours, I was sorry when he closed. His argument was conclusive. The impression which it made upon my mind has never been lost. It was the first time I had heard a purely logical speech. It was not eloquence, but concise, clear, cogent argument. It was profound, yet so

clear that anybody could follow and understand it. The committee reported favorably upon the bill, and it was soon after passed by both branches of the Legislature. Mr. Mason was full six feet and a half in height, and upwards of three hundred pounds in weight. His head, which while speaking was always slightly inclined towards his right shoulder, was well formed, and, although very large, seemed to be small in comparison with his tall and massive body. His dress was careless, if not slovenly, and there was a wide show of linen between his trousers and his waistcoat. He spoke deliberately. His enunciation and his command of language were perfect. He was not an orator, and was doubtless inferior to many of the lawyers of the day as an advocate before a jury; but in legal knowledge and in clear and cogent logic, he had no equal, not even in Mr. Webster."—McCulloch's *Men and Measures*, Etc., p. 34.

#### Subpoena the Angel.

"Mason was once engaged to defend a clergyman accused of a capital crime, and was repeatedly bothered by the attempts of the brethren to make him substitute theological for legal evidence. As he was making out his brief one of these sympathizers with the prisoner rushed into the room with the remark that Brother Avery was certainly innocent, for an angel from Heaven had appeared to him the night before, and had given him direct assurance of the fact.

‘That is very important evidence, indeed,’ was Mason’s gruff reply; ‘but can you subpoena that angel?’ ” —Whipple’s Character and Characteristic Men: Harvey’s Reminiscences of Dan’l Webster, p. 65.

### Webster’s Opinion Of. ✓

“I regard Jeremiah Mason as eminently superior to any other lawyer whom I ever met. I should rather, with my own experience (and I have had some pretty tough experience with him), meet them all combined in a case, than to meet him alone and single-handed. He was the keenest lawyer that I ever met or read about. If a man had Jeremiah Mason and he did not get his case, no human ingenuity or learning could get it. He drew from a very deep fountain. Yes, I should think he did—from his great height.”—Harvey’s Reminiscences of Webster, p. 65.

### Surprised the Witness.

“Mr. Mason possessed to a marked degree the instinct for the weak point. He was once cross-examining a witness who had previously testified to having heard Mr. Mason’s client make a certain statement, and it was upon the evidence of that statement that the adversary’s case was based. Mr. Mason led the witness around to this statement, and again it was repeated verbatim. Then, without warning, he walked to the stand, and pointing straight at the witness, said, in his high, unimpassioned voice: ‘Let’s see that



paper you've got in your waistcoat pocket?" Taken completely by surprise, the witness mechanically took a paper from the pocket indicated and handed it to Mr. Mason. The lawyer slowly read the exact words of the witness in regard to the statement, and called attention to the fact that they were in the handwriting of the lawyer on the other side. 'Mr. Mason, how under the sun did you know that paper was there?' asked a brother lawyer. 'Well,' replied Mr. Mason, 'I thought he gave that part of his testimony more as if he'd heard it, and I noticed every time he repeated it he put his hand to his waistcoat pocket, and then let it fall again when he got through.'"—Nov., '91, Green Bag.

Webster Wrote: "Have Some of Your Pounding in My Bones Yet."

"Webster wrote Mason just after he made his celebrated 'Reply to Hayne.' 'I have been written to to go to New Hampshire to try a cause against you next August. \* \* \* If it were an easy and plain case on our side, I might be willing to go; but I have some of your pounding in my bones yet, and I don't care about any more till that wears out.'"—Whipple's American Literature, p. 156.

## STANLEY MATTHEWS, OHIO.

(1824-1889.)

Associate Justice of the United States Supreme Court from 1881 to 1889. Born at Cincinnati, Ohio, July 21, 1824; died at Washington, D. C., March 22, 1889, aged sixty-four. Graduated at Kenyon College at sixteen; settled in Maury county, Tennessee, teaching and studying law, and was admitted before twenty. Returned to Cincinnati in 1844, became assistant prosecutor, from which he dated his early professional success. Was editor of the Cincinnati Herald, 1846-48. Elected Common Pleas Judge of Hamilton county, Ohio, 1851; State Senator, 1855; served as United States District Attorney for Southern Ohio, 1858-61; commissioned Lieutenant Colonel Twenty-third Ohio and appointed Colonel of Fifty-seventh Ohio, 1861; resigned, 1863, to become Judge of the Superior Court of Cincinnati, having as associates Judges Storer and Hoadly; was one of counsel for President Hayes before the Electoral Commission, and made the principal argument in the Florida and Oregon cases, characterized by

Senator Edmunds as "foremost among the strictly legal considerations;" and with Charles Foster, is said to have made Hayes President and saved the country from civil war; succeeded John Sherman as United States Senator, 1877; was appointed, May 12, 1881, a Justice of the United States Supreme Court by President Garfield, to succeed Mr. Justice Swayne. His confirmation was bitterly opposed because of his supposed favor to corporations, which his severest critics afterwards owned were groundless. He had been nominated, but not confirmed, for the same position by President Hayes.

His decisions (104-127 U. S.), 229 in number, with fourteen dissents, the most notable being *Kring v. Missouri* (107 U. S., 221), show research, care, judicial capacity and independence. As a lawyer he took high rank. His mind was deeply original. He pioneered; studied principles more than precedents; surveyed the field of jurisprudence with the view of a statesman as well as a lawyer. In scholarship, comprehensive; in exposition, luminous; in illustration, apt; in reasoning, just; in judgment, honest; in conclusion, accurate,

## WILLIAM MORRIS MEREDITH, PENNSYLVANIA.

(1799-1873.)

"Of ten men who ran for the Supreme Judgeship of Pennsylvania in 1851," modestly says Jeremiah S. Black—and among them were himself and John B. Gibson—"he was, without doubt, the greatest and most distinguished man." Born in Philadelphia, Pennsylvania, June 8, 1799; died there August 17, 1873, aged seventy-four. His father was a distinguished lawyer, and gave his precocious son every opportunity, graduating him, it is said, Bachelor of Arts at the early age of thirteen from the University of Pennsylvania, where he received second honor, being valedictorian. He was admitted to practice at seventeen, and elected to the Pennsylvania Legislature at twenty-five. When thirteen years at the bar, he was thrown in connection with the celebrated Girard will case, and business began to pour in upon him. Indeed, it is said that between 1840 and 1873 he was concerned in all important causes in Philadelphia. In 1834 he became President of the Select Council of Philadelphia, and continued such till 1839.

Was a member of the State constitutional convention in 1837; a prominent candidate for the United States Senate in 1845; Secretary of the Treasury under President Taylor in 1849; a member of the celebrated "Peace Congress" in 1861; consented to be Attorney General of Pennsylvania the same year, his acceptance in war time restoring confidence and causing the banks to take up the State loan. In his six years' administration of that office he exhibited rare ability. In 1870 he was appointed by President Grant senior counsel on the part of the United States of the Geneva arbitration tribunal, and assisted in preparing the American case, but resigned soon afterwards. Was again a delegate to the Constitutional convention in 1872, and was made presiding officer.

As a lawyer he occupied for many years the foremost rank in his native State, and was constantly engaged in important causes in the Supreme Courts of his State and Nation. As a ready and able legal debater, he was listened to earnestly and with great respect, and had few superiors in this country. Secretary Stanton regarded him in 1867 as the greatest lawyer in this country.

## Great and Distinguished.

"In 1851, ten men were candidates for Supreme Judges of Pennsylvania,—then composed of five judges. Black, Gibson, Lewis, Lowrie, and Coulter were elected. Meredith was also a candidate, but was defeated. Of the result Judge Black modestly said: 'Of the whole ten, Meredith was, without doubt, the greatest and most distinguished man. Yet when the poll came he received the lowest vote, while I got the highest. This shows how fallible a test the popular judgment is on the merits of a candidate for a judicial office.'"—Article on Judge Black, by W. U. Hensel: May, 1890, Green Bag.

Regarded by Stanton as the Greatest Lawyer He Ever Knew.

"After Edwin M. Stanton, Secretary of War, in 1868, had paid Matthew H. Carpenter a \$5,000 retainer in the case of *ex parte* McCardle, and had listened to Carpenter's brief of about one hundred pages, of which Stanton ordered one thousand copies to be printed, he requested Carpenter to submit the brief and argument to William M. Meredith, of Philadelphia, whom Stanton regarded the greatest lawyer he ever knew. This Carpenter did. When finished Meredith said: 'Mr. Carpenter, how old are you?' Carpenter replied: 'Forty-three last December.' Meredith, evidently surprised, took him by the hand, saying: 'That is a remarkable production, and you

must be a remarkable man. I have no suggestions to make in regard to it. (Meredith was then sixty-nine).”—*Flower's Life of Carpenter*, p. 114.

War Attorney General of Pennsylvania—Confidence  
of Banks.

“He became Attorney General of Pennsylvania in 1861, in war time. A disastrous crash of ruin was imminent. No bank would take up the State loan. During a memorable evening known to few, this danger was what persuaded Mr. Meredith to leave his practice and accept the position; and when in the morning it became known that he had consented to be Attorney General, every bank took up the State loan.”—*From Supreme Court of Pennsylvania*, by Owen Wister: February, 1891, Green Bag.

## SAMUEL FREEMAN MILLER, IOWA.

(1816-1890.)

Twenty-eight years an Associate Justice of the United States Supreme Court. Pronounced, "The most eminent expounder of the Constitution since Marshall." Born of pioneer stock, amid humble surroundings, at Richmond, Kentucky, April 5, 1816, he died in Washington, D. C., October 13, 1890, aged seventy-four. A farmer's son, he had slight educational advantages, graduated a doctor of medicine at Transylvania University, and practiced medicine ten years, but changed to law, and commenced its practice at thirty-one. In 1850 he moved to Iowa, where he ranked high as a lawyer. He was commissioned to the Supreme Bench by President Lincoln, July 16, 1862. Several colleges conferred upon him the degrees of LL.D. and D. C. L.

The position he early acquired and ever maintained on the Supreme Bench was that of a truly great lawyer. He wrote more opinions of the court than any judge, living or dead, and participated in more than ten thousand. Had great capacity to seize upon the vital points, and a command of general principles,



Of the forty-five Associate Justices during his time, only Catron equaled, and five others excelled him in length of service. The year he commenced the practice of medicine Taney was made Chief Justice, and when he began the practice of law Wayne and Catron had been on the bench fifteen and fourteen years, respectively. Miller later sat as an associate with them all. His decisions (2 Black to 136 U. S., seventy volumes), seven hundred and sixteen in number (the most important being the Slaughter House cases, *Lovejoy v. Murray*, *Kilburn v. Thompson*, *in re Nagle*), including one hundred and twenty-six dissents (notably *Gelpcke v. Dubuque*), are marked by "strength of diction, keen sense of justice, and undoubting firmness of conclusion." Says ex-Attorney General Miller: "His most striking feature was the logical faculty. Others, perhaps, had more culture, more learning; none had more legal wisdom." In the words of Charles Lamb, descriptive of an Old Bench-er, "His step was massive and elephantine, his face square as the lion's, his gait peremptory and path-keeping, indivertible from his way as a moving column."

### The Influence of a Great Judge.

"The influence of a great judge, embodied in the reports of a court of high character, will be felt as establishing rules of conduct and the decision of important questions, and will be commented upon and appreciated by a large class constituting a learned profession long after contemporary addresses or public efforts, of whatever character, shall have passed into forgetfulness."—Remarks made by Judge Miller at the death of Chief Justice Waite, 1888.

### His Letter to a Methodist Minister.

Justice Miller was severely criticised by many people for joining in the "original package" decision. The Rev. J. P. Teter, a Methodist clergyman at Oskaloosa, Iowa, a personal friend of the justice, received from him the following letter:

"I regret to find that you are in trouble about my concurrence in the recent decision of the Supreme Court in regard to the sale of goods imported from abroad or from another State in the original packages. I venture to hope that I shall not wholly forfeit your esteem, because, in obedience to that sense of conscientious duty which I have felt bound to follow the decision made by this court more than sixty years ago, which has never been doubted or departed from from that day to this. Indeed, that decision, in addition to being a decision of this court, was one which fell from the lips of the greatest Constitutional

lawyer that this Government ever had. It was based upon the construction of the Constitution of the United States. This Constitution has not been altered since, and the judgment of the court has remained without question from that day to this, now sixty-three years ago. Many people like you, I think, have the idea, that the Supreme Court is only bound in its decisions by the views which they may have of abstract moral right. But we are as much sworn to decide according to the Constitution of the United States as you are bound by your conscience to a faith in the Bible which you profess to follow."

#### The Lawyer's Estate.

"The true lawyer is seized of an estate as secure and venerable as an estate in lands; its income, better than rents; its dignity, higher than ancestral acres." —A common saying with Judge Miller.

#### High on Injunctions.

A young lawyer who applied to Judge Miller in the United States Circuit for an injunction, to establish his right to a restraining order, was reading from *High on Injunctions*. When the judge, stopping him, asked, "Young man, what are you reading from?" The attorney answered, "From *High on Injunctions*." "Well," said the judge, "you needn't read any further. I was making law before the author of that book was born!"

**"Tell Me What You Think."**

"Tell me what you think about this, for I esteem your opinion of much more value than that of the authority cited."—Said to a lawyer who was citing the opinion of an inferior court.

**No Man Higher Than the Law.**

"No man in this country is so high that he is above the law. No officer of the law may set that law in defiance with impunity. All the officers of the Government, from the highest to the lowest, are creatures of the law, and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives."—From the *Arlington* cases (106 U. S., 196).

**Evart's Tribute.**

"The great traits, the great elements of his power and his character for a judge, were great breadth of understanding, great solidity of judgment, great serenity of temper, and rapid and penetrating perception of legal relations."—William M. Evarts' remarks in memoriam in United States Supreme Court, December 6, 1890.

Taney, Wayne and Catron Sat on Bench With Him—  
Some Coincidences.

When Miller was admitted to the bar, Taney, with whom he afterwards sat upon the Supreme Bench, was seventy-three years of age, and had been Chief Justice for fourteen years. He sat as an associate with Wayne and Catron. He was a boy studying medicine when Wayne was on the Supreme Bench; and when Miller was admitted to the bar, Wayne had been on the Supreme Bench for fifteen years.

Why a Decision Has Weight.

"The convincing power of the opinion or decision in a reported case must depend very largely on the force of the reasoning by which it is supported, and of this every lawyer and every court must of necessity be his and its own judge."—Extract from letter to Judge John F. Dillon, November 16, 1885.

Studied All Decisions of the United States Supreme  
Court.

When he took his seat upon the Supreme Bench of the Nation, he commenced the diligent study of every case that had been decided by that tribunal, storing his mind with all the learning of the court.

Moral Courage.

Sublime moral courage was the most marked characteristic of his nature.

## A. H. Garland's Tribute.

"I never hesitated to seek his advice and counsel, which he gave always freely and not grudgingly, and often, too, when I needed a friend. Never was there an uncertain sound in his responses. Upon one occasion, when I approached him with feelings of delicacy with reference to the subject matter, he laid down the large transcript before him and answered, 'You can always speak to me on anything under God's heaven.'"—In *memoriam* remarks, United States Supreme Court, December 6, 1890.

## Judge Miller's Preference for Country Practice.

"It was a favorite theory with Judge Miller, that a country town is the best place for a young lawyer. He valued its opportunities for reflection and study. Its close and sharp contact with various characters; the development of individuality which it favored. He thought these conditions aided the slow, and therefore solid, growth of independence and force of character which made the strong lawyer. These advantages he often set off against those of the large city and gave them preference."—In *memoriam* remarks of James M. Woolworth, United States Circuit Court for the District of Nebraska, Omaha, November 14, 1890.

## JOHN HIPPLE MITCHELL, OREGON.

(1835- —.)

Born in Washington county, Pennsylvania, on a farm, June 22, 1835. Educated at the Witherspoon Institute, and subsequently studied law, and was admitted in his twentieth year. Shortly after his admission, he removed to San Luis Obispo later to San Francisco, and finally to Portland, Oregon, in 1860. In 1861 he became corporation attorney of that city. In 1863 he formed a co-partnership with Jos. N. Dolph, who had arrived there the year before, which alliance continued until Mr. Mitchell's election to the United States Senate, nine years later. The firm had a large and extensive business from the first, being attorneys for the Oregon and Central, and the Oregon and California railroads, and other large corporations, and for Benjamin Holliday, who was engaged in operating a line of steamers between Portland and San Francisco. From 1862 to 1866, he was State Senator, becoming presiding officer of that body in 1864. From March, 1873, to March, 1879, he was United States Senator, since which time he has been twice re-

elected, his term expiring, 1897. He has held the rank of Lieutenant Colonel of the Oregon militia, and 1867-71, the post of professor of medical jurisprudence in Willamette University, at Salem, Oregon.

He is a Republican in politics. His practice has been much in connection with the railroads, and has been extensive and lucrative. Though when he opened an office in Portland he was refused credit by the carpenter whom he requested to make him an office table, his practice is now said to be worth \$20,000 a year. He has amassed a large fortune, the joint result of professional skill and aptitude, and uncommon business sagacity. He is one of the few Senators whose services are in demand in the Supreme Court of the United States. As a speaker he is clear and concise, his sentences being noted for their clean-cut compactness. His speech upon the Inter-State Commerce Law, was able, and his interpretation has since been followed by the commission in its construction of the law.



## JOHN TYLER MORGAN, ALABAMA.

(1824. —.)

Born in Athens, Tennessee, June 20, 1824, received an academic education chiefly in Alabama, where he has resided since he was nine; was Presidential Elector in 1860 and 1876; a member of the Alabama Secession Convention, 1861; a private in the Confederacy, 1861, and Brigadier General, 1865; United States Senator since 1877.

He studied law with his brother-in-law, William P. Chilton, late Chief Justice of the State, and was admitted in Talladega, 1845. Almost co-incident with his entrance, and when scarcely of age, removals and promotions, judicial and political, drew upon him a very extensive and profitable business, in the management of which he was phenomenally successful. About 1856 he removed to Selma. His sympathetic eloquence gives him wonderful power over juries; but his tastes and inclinations have always inclined him toward the more complicated studies and toils of the chancery courts.

Among his more notable professional achieve-

ments are the great Darrington will case (1856); the litigation growing out of the reconstruction and bankrupt laws that followed the conclusion of the war between the States; the contests at the capital by which Governor Lindsay and those elected with him in 1870 gained possession of the State offices; and the celebrated Selma, Rome and Belton Railroad suits, involving several millions, in the State and Federal courts for half a score of years. He first appeared in the United States Supreme Court in 1874 in a motion to prohibit Richard Busteed, United States District Judge in Alabama from exercising a manifestly illegal jurisdiction. His appointment to represent the Nation in the Behring Sea arbitration was a just tribute from political opponents to his eminent talents and patriotism, and his recent exhaustive report in the Hawaiian troubles, so judicial in its temper and substance as to entirely satisfy parties to neither side of the contention, while all commend it, will be a lasting monument to his wisdom and research.

### The Number of Supreme Judges Not Prescribed in Constitution.

"The number of the judges of the United States Supreme Court is not prescribed in the Constitution. Indeed, no reference is made to the question whether the court is to be composed of one or more judges, except in the sixth section of the third article, in which the Chief Justice is required to preside on the trial of impeachment of the President of the United States. If it had been intended that the Supreme Court might be composed of a single judge, the office of Chief Justice would not have been mentioned eo nomine."—"Partisanship in the Supreme Court," 132 Vol., North American Review, p. 176 (1881), by John T. Morgan.

### An Independent Judiciary.

"The independence of the judiciary, when coupled with the supremacy of their power, and the inviolability of their decrees in the field of jurisdiction assigned to them, seems almost to lift them to a height of authority that is too autocratic for harmonious companionship with the other departments of a republican government. But these high powers conferred upon the judiciary are of the very essence of free government, because they are necessary to give practical force and effect to the laws which they themselves establish. It behooves a free people that their judges should be above the 'influence of fear,

favor, affection, reward, or the hope thereof,' so that justice shall not be denied to the poor or humble man, or sold to the rich; and that it be not biased by the hope of favor, or the fear of giving offense to popular sentiment, or political power."—Idem.

### Cases Which Have Impaired the Court's Independence.

"The Dred Scott decision, the Legal Tender cases, the decision of the Electoral Commission, and the cases construing the election laws, and the rights to punish State judges for obeying constitutional State statutes, have in their turn, greatly impaired the confidence of many people in the independence of the judges of the Supreme Court."—Idem.

### Congress Should Not Be Allowed to Increase or Diminish the Number of Judges.

Mr. Morgan argues in this article that Congress should be deprived of the power to increase above a fixed basis, in ratable proportion to the increase of our population, and the number of States in the Union, or diminish the number of judges of the Supreme Court at its pleasure.

## CHARLES O'CONOR, NEW YORK.

(1804-1884.)

The leader of the New York bar for twenty-five years. Born in New York city, January 22, 1804, died at Nantucket, Massachusetts, May 12, 1884, aged eighty. He was the son of a shiftless Irish immigrant. Had but two months schooling. Admitted at twenty, he started for himself with but twenty-five dollars, having devoured every obtainable law book. By his indefatigable industry, he was soon pitted against the leaders of the New York bar. Some of his noted cases are, that of the slave Jack, in 1835; the will cases of Lispenard in 1843, of Parrish in 1862, and of Jumel (involving \$6,000,000) in 1872; the Lemmon slave case in 1856; the defense of young Walworth for patricide; *Armstrong v. United States*; the great Forrest divorce suit, being opposed by John Van Buren, and other eminent counsel, in which he won for the plaintiff-wife, and acquired a national reputation; the Almaden Mining company's case, in which his argument was one of the greatest ever made in the United States Supreme Court; and the Goodyear

rubber case. In 1848, he sympathized with the Irish uprising, and ran for Lieutenant Governor of New York. He leaned greatly to the Southern cause during the war, acting as counsel for Jefferson Davis, and signing his bail-bond. Prosecuted, without compensation, Tweed and his associates, 1871-75, which eventually destroyed the ring in New York. He was nominated for President, 1872, against his will, by the anti-Greeley Democrats. Appeared in 1877 for Samuel J. Tilden before the Electoral Commission.

As a lawyer, he stood in the foremost place. His devotion to the law and his clients amounted to an overmastering passion. Although not a general reader, he was deeply read in law, but held that an hour's thinking is worth many hours of reading. His life was pure and spotless; his manner, quiet, almost icy at times. He was a master special pleader, wonderfully self-possessed, a dogged worker, and understood every detail of his case. "Possessed," said Samuel J. Tilden, "a more perfect knowledge of law than any lawyer in this country or abroad."

## Jurisprudence and Justice.

"Jurisprudence is of human origin; justice is an attribute of Divinity, pre-existent of all created things, eternal and immutable. Its authority is not derived from any human code, either of positive institution or of customary reception; its decrees are found in the voice of God speaking to the heart which faith has purified to receive and reason has enlightened with capacity to understand."—Extract from argument in *Armstrong v. The United States*, in Court of Claims, Washington, 1855.

## New York Code.

Charles O'Connor said, after the New York code of procedure had been in force twenty years: "The common practice is to tell your story to the court, precisely as your client tells it to you, and just as any old woman, in trouble for the first time, would narrate her grievances. A demurrer to any code pleading is a very dangerous step, because it is utterly impossible for the keenest investigator to determine, in most cases, what any other reader than himself will understand to be the import of the pleading demurred to."

## Admiralty Jurisdiction.

"That admiralty jurisdiction could exist without tide-water or salt water was an idea too novel for even the great mind of Chief Justice Marshall, but at last judicial wisdom, sharpened and impelled

by strong necessity, cast aside these immaterial incidents, and, looking at the substance of the thing, found in the Constitution a government for our great rivers and inland seas."

### The Duty of Defense.

"To afford even those whom impartial justice arraigns, upon credible evidence, a fair hearing, is the first duty of our profession."—Said in a letter when charged with defending high-handed criminals.

### Wished to be Shaved in Silence.

O'Connor sat down in a talkative barber's chair, who, thinking he would do his best to please the great lawyer, asked him how he would be shaved. "In silence," was the significant reply.

### Daniel Lord, Jr.—Why Junior.

A country lawyer once entered the Court of Appeals of New York while Daniel Lord, Jr., was arguing a case, and inquired of O'Connor, "Who that was addressing the court?" Mr. O'Connor replied, "That is Daniel Lord, Jr., and he puts the junior after his name so he may not be mistaken for the Almighty."

### O'Connor's Comment on Conkling's Fee.

"Roscoe Conkling came into O'Connor's office one day in a nervous state. 'You seem very much excited, Mr. Conkling,' said O'Connor, as Roscoe walked up and down the room. 'Yes, I'm provoked,' said Conkling.



'I never had a client dissatisfied about my fee before.' 'Well, what's the matter?' asked O'Connor. 'Why, I defended Gibbons for arson, you know. He was convicted, but I did hard work for him. I took him to the Superior Court, and he was convicted; then to the Supreme Court, which confirmed the judgment and gave him ten years. I charged him \$600, and he is grumbling about it—says it is too much. Now, Mr. O'Connor, I ask you, was that too much?' 'Well,' said O'Connor, deliberately, 'of course you did a great deal of work, and \$600 is not a big fee; but to be frank with you, Mr. Conkling, my deliberate opinion is that he might have been convicted for less money.'"—September, 1891, Green Bag.

#### B. R. Curtis on Forrest Divorce Case.

Justice B. R. Curtis said at a public dinner in Washington in 1852, that he regarded Charles O'Connor's management of the Forrest divorce case as the most remarkable exhibition of professional skill ever witnessed in this country.—1 *Life and Writings of B. R. Curtis*, p. 167.

#### "Read Less, and Think More."

"A young man sent him a large list of books which he had read, and asked O'Connor what others he would advise him to read. The great lawyer, who had not even heard of some of the books on his list, recommended him 'to read less and think more.'"—*Scott's Distinguished Lawyers*, p. 549.

### Merchant Endorsed an Early Note for Law Books.

"When he started to practice he did not own a single law book. A merchant endorsed his note for three hundred and twelve dollars for one hundred and fifty-six law books at two dollars each. For thus befriending him, he left to the merchant's granddaughter one-third of his estate at death."—*Scott's Distinguished Lawyers*, p. 546.

### Disadvantage of Being an Irish Catholic.

"So far from being an advantage, the reputation of being an Irishman and a Catholic has been to me a serious political, social and professional disadvantage."

### Piercing Eyes.

The most marked characteristic of Mr. O'Connor was his piercing eyes, which seemed to bore two holes through whatever they looked upon.

### His Experience With an Indiana Railway.

"He loaned a friend \$25,000. Afterwards, as this loan was secured by Indiana railroad bonds, he sent the claim to a law firm in Indianapolis. They reported the security was not good, and that they could get a certain per cent. in settlement from the railroad company. He wrote them to sue the company and put the claim in judgment. They wrote back that the mortgage had been foreclosed, and the road sold for a mere song. O'Connor insisted upon their

putting the matter into judgment. They again wrote him that perhaps they could still negotiate the bonds to officers of the company rather than to have a suit—that they could compromise it. He wrote back that he would have both principal and interest, or he would come out West in person and commence suit. Shortly he received the full amount of his claim, with interest and costs. The company, doubtless, were aware of O'Connor's staying qualities in a lawsuit."—*Scott's Distinguished Lawyers*, p. 550.

#### Moderate Charges.

He was a moderate charger; seldom asked a retainer; and waited till the litigation was over and took his fees in a lump.

## BRITTON BATH OSLER, ONTARIO.

(1839- ——.)

One of the foremost members of the Canadian bar. Born at Tecumseth, Ontario, June 19, 1839. Graduated in law from the University of Toronto in 1862, and the same year was called to the bar. Appointed in 1874 County Crown Attorney, at Hamilton; received his patent as Queen's Counsel in 1880; and in 1882 moved to Toronto, the legal metropolis of the province, and the seat of the principal provincial courts, where his wonderful abilities soon placed him at the height of the profession. He is a member of the firm of McCarthy, Osler, Hoskin and Creelman; an Honorary Lecturer on Criminal Law at the University of Toronto; and one of the Benchers of the Law Society of Upper Canada.

Mr. Osler has been connected with many celebrated cases, having acted for the Dominion government in the trial of Louis Riel for treason, and in other cases arising out of the Northwestern Rebellion of 1885. He was also retained by the government in its litigation with the Canadian Pacific railway,

as to the construction of that line through the Rocky mountains. As Crown Prosecutor he secured a verdict against Birchall in the great murder trial in 1890, and his consummate skill in the cross-examination of expert or opinion witnesses was shown in the famous St. George cases, actions growing out of the railway disaster at the village of that name. And more recently he has been engaged by the government of Canada in the investigations into the conspiracy of certain contractors and members of Parliament to defraud the government, and in their subsequent conviction for the conspiracy.

It is particularly as a *nisi prius* counsel and as a master of the art of addressing juries that Mr. Osler has gained distinction, more than Provincial, his striking voice and commanding presence, united with a keen insight into the many phases of human nature, standing him in great stead. And his flashes of wit, and his quickness at repartee, have often seriously upset the conventional order and solemnity of a court room.

## CORTLANDT PARKER, NEW JERSEY.

(1818- ———)

One of the ablest lawyers and most eminent advocates of New Jersey. Born at Perth Amboy, New Jersey, June 27, 1818. He is the son of James Parker, legislator and donor of the lands upon which stand the buildings of Rutgers College, in which institution the son graduated at eighteen, with Theodore Frelinghuysen, Joseph P. Bradley and ex-Governor Newell. Admitted at twenty-one, he began practice in Newark, where he has since resided. He formed a partnership in 1855 with A. Q. Keasbey, which continued for twenty-one years. In 1857 he was appointed Prosecutor of the Pleas of Essex county, and held the office ten years. He declined, successively, the Judgeship of the Court of Alabama Claims from President Grant, the mission to Russia, from President Hayes, and that to Austria from President Arthur.

Among his most famous trials are: The successful defense in 1856 of Margaret Garrity, for murder; the famous Meeker will case, tried in three courts;

New Jersey Railway Company v. Plank Road Company, in regard to the bridges over the Passaic and Hackensack, in the United States Circuit and Supreme Courts; the Erie Railway Company v. Dringer, in many forms at law and in equity; the Lewis will case, involving a million dollars to the Government; the Boyeden and Duryea hat-body case, replete with intricate questions of patent law; the Franklinites ore cases, involving knotty mining questions; the Vanderveer and Hezekiah B. Smith will cases; the Ocean Beach land-title case; and the Baldwin habeas corpus case. He has been retained to defend thirteen homicides, and while not wholly successful, not one of his clients hanged. His judgment as master in *Kean v. Johnson*, in 1853, 1 Stock., 401, is constantly cited as the leading authority that a railroad company's directors cannot lease the road without the consent of the stockholders. He is now counsel for the Erie Railway Company.

He is patient, a hard worker, and keeps his health good and his form erect by constant exercise, never missing before breakfast his horseback ride, at which he is an expert.

## Advice to the Young Advocate.

"The fundamental duty of every young lawyer is rightly and fully to appreciate his profession. It is not a trade; it is not a mere means of livelihood. It is not a mere business. It is not a ladder for political ambition. It is not a mere means for acquiring wealth, nor for insuring social respectability, nor even for winning fame. The man who has no higher view of the profession of the law than to embrace it with one or all of these minor motives, in my judgment, degrades it. It is a duty of the lawyer to his profession that it should not lose respectability in comparison with other employments through any meagerness of its compensation. But, nevertheless, he should not make it a trade, nor a mere means of living. In the midst of this gold-seeking, materialistic world, and especially gold-seeking and materialistic day and generation, I would urge upon the young lawyers to appreciate the dignity of professional life. Let it be the resolution of every lawyer, while he never obtrudes it, and forbears any ignoble estimate of other callings, still never to forget the dignity of his profession, and so to live that through him all shall more respect it. In view of the necessity of study, I am prepared to say, almost cruel as it may seem, that the best thing that can befall a young man, who is really fit for the profession and who has the pluck and tenacity of purpose which characterize true manhood, is that in early life he should have hard work to get on, and be forced in order to make use of his time, to



employ it in study. Dig into the foundations of legal science, dig to the very bottom and work upward. Imbue your minds with legal principles, study natural law, civil law, and above all, sound every depth of the common law. Study English history, and especially the history of the law. Do everything you have to do thoroughly and with faith, never flagging, that one day your labor will be rewarded. Books have been written full of hints and suggestions. Many of these are very valuable. But after all, we must steal from a very different line of thought the best prescription, 'Love will find out the way.' He will be a good advocate, and win the highest prize, who with good sense and strength of will unites an enthusiastic determination to attain every excellence compatible with his opportunities, and energetically gives himself night and day to the effort. He only strikes high who aims high. The higher you aim the higher you will attain."—Written by Mr. Parker for the New York Herald.

### The Great Judge.

"The voice of the great judge never dies. From age to age we hear and obey it. Is Marshall dead? Is Taney? Is Chase? Is Story? Are their compeers? Not so. Not so. They speak, and with authority—authority, in the case of some of them, increasing as the years roll on. They depart, indeed, but on earth, as in the far Beyond, they are immortal."—Extract from remarks made in the Supreme Court of the U. S., Feb. 6, 1892, on the death of Judge Bradley.

**JOEL PARKER, NEW HAMPSHIRE.**

(1795-1875.)

For fifteen years a member of the Supreme Court of New Hampshire, and for twenty years law professor at Harvard. Born in Jaffrey, New Hampshire, January 25, 1795, died at Cambridge, Massachusetts, August 17, 1875, aged eighty years. The son of an intelligent and independent farmer, he graduated from Dartmouth College at sixteen, was admitted at twenty, and settled at Keene, New Hampshire. He was appointed a member of the Supreme Court of New Hampshire in 1833, and became Chief Justice in 1836, which position he resigned in 1848 to become professor in the Harvard Law School, which position he, in turn, resigned in 1868. In 1840 he was chairman of the committee to revise the laws of New Hampshire. He also held the professorship of medical jurisprudence for twelve years in Dartmouth, a like position in a New York medical college, and gave one or more courses of lectures on the Constitution in Dartmouth, and in the Columbian Law School at Washington. Dartmouth

conferred upon him the degree of LL. D. in 1837, and Harvard in 1848. At the time of his death he was a member of the Massachusetts Historical Society.

His busy life was almost entirely occupied with the law and its administration. His works in law and literature, if published, would fill twenty volumes. An original investigator, he knew no compromise with right and duty—the most notable instance of which was the difference of opinion arising between the United States Circuit Court and the Superior Court of New Hampshire, the former lead by Judge Story and the latter by Judge Parker, turning upon the meaning of the word ‘lien,’ upon which depended the disposition of a large amount of property. Collision between the Federal and State courts was prevented by the United States Supreme Court deciding in harmony with Judge Parker. “As a Constitutional lawyer,” says Emory Washburn, “his knowledge was full, exhaustive, and exact.” He was a great lover of poetry, notably Shakespeare. His private life was exemplary. He was pre-eminently impartial, careful in research, and of untiring diligence.

## Clash of State and Federal Law.

"Perhaps the most memorable instance of fearless adherence of Judge Parker to his own convictions, when opposed to the opinion of others, however eminent in place and influence, was the difference of opinion which arose between the Circuit Court of the United States and the Superior Court of New Hampshire, upon the construction to be given to a single expression in the bankrupt law of 1841, in the discussion of which Judge Story represented one side of the question, and Chief Justice Parker the other. It turned upon the meaning of the word 'lien' as used in that statute, and whether it extended to the liens created by the statutes of some of the estates by attachments upon mesne process of the property of a debtor at the suits of creditors. The court of New Hampshire held that it did. The Circuit Court maintained the contrary. Upon its decision depended the disposition to be made of a considerable amount of property held by attachment by the sheriff of New Hampshire, but claimed by the assignees in bankruptcy of the debtor, on the ground that the process in bankruptcy dissolved the attachment and avoided the claim of the sheriff under the same. The language of both courts was alike assured and unambiguous. On the part of Judge Story, he insisted that the District Court of the United States might enjoin the creditor of the bankrupt from proceeding by levying upon the property under the process of the State; and, if he should thereafter proceed in disobedience

of such order or injunction, 'the District Court ought to proceed to enforce obedience thereto, as in other cases of the violation of injunctions.' Chief Justice Parker, in reply to this intimation, while declaring the judgment of the court, took occasion to say that, if the plaintiff should ask the interference of the State court, it would be their duty to enjoin and prohibit the bankrupt and his assignees, the creditors and all claimants of the property attached, from attempting to procure any process from any court which was not acting under the authority of the State of New Hampshire, with a view to prevent the entry of judgment, in such suits, or to prevent the execution of the final process issued upon the judgments when obtained. And he added, 'If any such injunction is issued by us, in any case, it will be our duty to punish any infraction of it when brought to our notice, by prompt action,' etc. When it is considered that the point of variance between these courts grew out of the construction to be given to a single word made use of in a public statute in which the Legislature of New Hampshire were disposed to sustain the judgment of its own court, it was fortunate for the country that all occasion for a collision of jurisdiction was removed by a decision of the Supreme Court of the United States in harmony with the views entertained by Chief Justice Parker."—Extract from *Memoirs of the Hon. Joel Parker, LL. D.* by Emory Washburn, Bussey Professor in Dane Law School.

THEOPHILUS PARSONS, MASSACHUSETTS.  
(1750-1813.)

Chief Justice of Massachusetts. Born at Byfield, Massachusetts, February 24, 1750, died in Boston, October 30, 1813, aged sixty-three. Son of a Congregational clergyman. Educated at Dummer Academy and Harvard College, whence he graduated at nineteen. Admitted to the bar at Falmouth, Massachusetts, now Portland, Maine, 1774. When the British burned Falmouth, he returned to Byfield, where he found the learned and acute Judge Trowbridge domiciled in his father's house, and to association with whom he was wont to attribute his professional success. At thirty he married and removed to Newburyport, where he resided till 1800, when at the age of fifty he moved to Boston. Before this last removal he enjoyed an extensive practice, not confined to his State, but covering New England, and occasionally reaching into New York. In 1806, he became Chief Justice, giving up a \$10,000 practice, and held the position till death.

He was intensely conservative by nature, and

though he powerfully aided in securing the adoption of the Federal Constitution by his State, being the author of three salient provisions therein, and wrote, prior to the event, the memorable pamphlet termed "The Essex Result," he had probably little aptitude or taste for politics. But in stirring times his meditative and studious temperament enabled him to devote himself to books and the development of his intellect. As a consequence he stands forth prominently from among his contemporaries as an acute and technical lawyer of scholarly attainments and culture, leading Judge Lowell to say: "While Parsons knew more law than any other man, he knew more of everything else than of law." And posterity has raised him to a very high pinnacle, indeed. His decisions, published separately during his life, as "Commentaries" on the law, have mostly been overruled or disregarded by the very bench from which they emanated—the natural fate of cases decided by an accomplished special pleader with the passing away of the system under which he practiced,

## Hope.

"Hope is the grand catholicon for every evil but despair, and it is a remedy we are not easily deprived of."—Memoirs of Parsons, by Theophilus Parsons, Jr., p. 25.

## Ministry.

"Never let a man think of being a minister unless he can quietly deny himself the enjoyment of life, and expect his reward only above stars."—Memoirs, p. 25.

## Usurpation.

"An act of usurpation is not obligatory, it is not law; and any man may be justified in his resistance. Let him be considered as a criminal by the Government, yet only his own fellow-citizens can convict him. They are his jury; and if they pronounce him innocent, not all the powers of Congress can hurt him. And innocent they certainly will pronounce him, if the supposed law he resisted was an act of usurpation."—Remarks of Judge Parsons upon the adoption of the Federal Constitution by Massachusetts: Memoirs, p. 102.

## The Political Ship.

"In the political ship there must be common seamen as well as pilots; and a mutiny of the crew may as effectually destroy her as a division among the officers."—His reply to those who wanted him to take the Attorney Generalship of the United States; Memoirs, 123.



## Self Possession.

"The man who cannot be excited, and cannot be made to lose his self-command, has an immense advantage, in the simple fact that he is at all times fully possessed of all his own powers, and ready to take full advantage of every opportunity."—Memoirs, p. 215.

## His Religious Belief.

"I examined the proofs and weighed the objections to Christianity many years ago, with the accuracy of a lawyer; and the result was so entire a conviction of its truth, that I have only to regret that my belief has not more completely influenced my conduct."—Memoirs, p. 313.

## Why We Should Support the Public Schools.

"You will not probably want these schools for your children, and possibly they will not want them for theirs; but many generations that succeed them will be sure to need the schools for their own families, for they are in all probability to be poor. In this country the wheel of fortune not only may, but must, revolve; faster in some instances than in others, but turn it must. The rich of any generation are the descendants, and generally the immediate descendants, of the poor. Their descendants will in almost every case take their place among the poor, in one or two generations more; and because there are many more of the poor than of the rich, each family must num-

ber many more of its generations among the poor than among the rich. If, therefore, you wish to provide for the greater number of your own descendants, provide now, permanently, for the poor.”—Parsons’ reply to a rich man who did not want to contribute to Public Schools: *Memoirs*, 271.

#### Webster’s Tribute to.

“The characteristic endowments of his mind are strength and shrewdness; strength, which enables him to support his cause; shrewdness, by which he is always ready to retort the sallies of his adversary. His manner is steady, forcible and perfectly perspicuous. He does not address the jury as a mechanical body, to be put in motion by mechanical means. He appeals to them as men, and as having minds capable of receiving the ideas of his own. Of course, he never harangues. He is never stinted to say just so much on a point, and no more. \* \* \* He has no fondness for public life, and is satisfied with standing where he is—at the head of his profession.”—Harvey’s *Reminiscences*, p. 81.

#### Josiah Quincy’s Tribute.

“Wherever Judge Parsons was, he was regarded somewhat as an oracle, particularly on legal questions, and in shaping the course of political measures. In his character as mathematician, and as a classical scholar, he stood quite as high in the popular opinion, as in that of a lawyer.”

## His Erudition.

Knew everything of his case, and was a great scholar in everything. Five years after leaving Harvard he wrote to his brother in French.

## Last Words.

His last words were delirious: "Gentlemen of the jury, the case is closed, and in your hands. You will please retire and agree upon your verdict."—Memoirs by his son, p. 354.

## Robert Treat Paine's Toast.

"Theophilus Parsons, the oracle of law, the pillar of politics, the bulwark of Government." To which Judge Parsons replied: "The town of Newburyport, may the blessing of Heaven rest upon it as long as its shores are washed by the Merrimac."—At farewell dinner when Parsons left Newburyport in 1800 for Boston at the age of fifty: Memoirs, p. 135.

## Opposed to Notoriety.

"He never published anything under his own name and as his own production, unless the decisions of the Supreme Court may be so considered. Had a positive dislike for, and disgust at, notoriety."—Memoirs, p. 76.

## Taught Three Years.

"Taught school three years at Falmouth (now Portland) Maine, and studied law at the same time."  
—Memoirs, p. 23.

## Three Provisions of Federal Constitution Due to Parsons.

"Judge Parsons offered, or rather wrote up, three amendments to the Federal Constitution when it came to Massachusetts for adoption or rejection, although John Hancock has always had the credit of them, viz: First, All powers not expressly delegated by the aforesaid Constitution, are reserved to the several States; second, the amendment securing a trial of issues of fact in certain cases by a jury; and, third, that no one shall be tried for a capital or infamous crime except upon indictment by a grand jury. These three provisions were added by Massachusetts, returned to Congress, incorporated into the Constitution, ratified by the States, and now form a part of that instrument."—Memoirs, pp. 74-5-6.

## Had a Poor Opinion of Oratory.

Chief Justice Parsons used to say that eloquence was an unfortunate gift for a lawyer, as it prejudiced the jury against him, and thus hindered his success. "A jury will determine beforehand," he used to say, "that an eloquent talker shall not hoodwink them, or exercise a mastery over their minds. Consequently, they set themselves to resist the power of his persua-

sion." Judge Parker used to tell a capital anecdote in confirmation of Judge Parsons' opinion:

When Parsons was a young lawyer, he was retained to argue an important case in a Maine court. He was unknown to the people, and even to the lawyers. Parker had heard of him as a rising man, and was drawn to the court room by curiosity to learn the secret of his power. Parsons began his plea by putting one foot in a chair; then leaning one elbow on his knee, he talked to the jury as a man would tell a story at his fireside. "Pretty soon I thought I understood him," said Parker. "He was winding the jury round his fingers. He made no show. He treated the case as if it were a very simple affair, of which the conclusion was obvious, and inevitable; and he did not talk long. He got a verdict at once; and after the jury were dismissed, one of them, whom I happened to know, came to me and said, 'Who is this Mr. Parsons? He isn't much of a lawyer, and don't talk or look as if he ever would be one; but he seems to be a real good sort of a man.'"

#### Overmatch for Alexander Hamilton.

"He was an overmatch for Alexander Hamilton, whom he once astonished by the promptness with which he demolished one of his strongest points. But when beginning his practice, he had mastered a law library, making briefs of the most important causes, among which were several involving the point in question."—Mathews' "Getting on in the World," p. 254.

## Judge R. B. Curtis' Tribute.

"He sounded all the depths of public and private law."

## Contemporaries at the Bar.

The four most eminent contemporaries at the bar with Judge Parsons, according to his son, were Sullivan, Dexter, Otis, and Prescott.—Memoirs, p. 181.

## Some of His Eminent Students.

Rufus King, John Quincy Adams, Samuel Putnam, Charles Jackson and Benjamin Gorham, among others, read law with Judge Parsons.—Memoirs, p. 180.

## Few Citations.

"In his opinions as a judge," says his son, "he cites fewer cases than any judge reported in our language, with the possible exception of Chief Justice Marshall."—Memoirs, pp. 140-1.

## Made Counsel State What They Were Going to Stand On.

"He generally required the counsel to state to him his points before he began. If they were in his judgment wholly untenable or insufficient, he permitted no argument, and allowed the case to go no further than was requisite to present to the whole court the question of law, if there was one, by which

2

it might be decided whether the nonsuit or default he ordered should be taken off.

"At Worcester, Frank Blake, perhaps the leading lawyer of the county, and one of Judge Parsons' most intimate friends, arose to argue a case: 'Stop a moment, Brother Blake,' said Judge Parsons. 'What points do you propose to present to the jury on this evidence?' 'I will, if your honor pleases, state them to the jury.' 'No, you must state them to the court first.' 'I decline doing so, may it please your honor; and I insist on my right to address the jury in my own way.' 'Certainly, if you address them at all, you may address them in your own way—and there can be no better; but I must first know whether you have any case to speak about. I do not now see one; but perhaps you may point one out.' 'I will endeavor to do so to the jury.' 'No, you must do so first to me.' 'This I positively decline.' 'Very well, with any view of the case I can now take, you will waste the time of the jury, the court, and the county, by any argument.' Mr. Blake then arose, and turning to the jury began: 'Gentlemen of the jury,'—when Judge Parsons instantly said, 'Mr. Sheriff, commit Mr. Blake to close jail,' and quietly rose, and began charging the jury.'"—*Memoirs*, p. 209.

#### Mr. Burgess Refused to State His Points.

"In Taunton, Mr. Burgess, of Rhode Island, when asked to state his points, rose and stated one. 'That is no point at all, Brother Burgess; have you an-

other?" 'Yes, your honor,' and stated it. 'You have not a particle of evidence for that point, as you very well know; what other?' And so the thing went on, until Judge Parsons flatly refused to let him speak. 'May it please your honor, I think I have a good case, an excellent case, and believe I can satisfy the jury of it, and demand as matter of right, permission to try,' said Mr. Burgess. 'A very good case you have, no doubt; but, unluckily, no evidence, and therefore nothing to go to the jury on.' Mr. Burgess at once gathered up his papers, and marched indignantly out of court, while Judge Parsons proceeded to charge the jury. Outside Mr. Burgess harangued the crowd about the Chief Justice's insupportable tyranny, until all at once, he observed the Judge as one of his listeners, who said when he stopped his tirade, 'Brother Burgess, if you get through in season, I wish you would come in and dine with me.' Pausing a moment, Mr. Burgess exclaimed, 'I give it up; I give it all up;' and took the Judge's arm and they walked off together."—*Memoirs*, pp. 209-10-11.

### Characteristics.

"He was cool, steady, and deliberate, occupying every post which was left uncovered, and throwing in his forces wherever the zeal of his adversary had left an opening. In force of combination and power of reasoning he was unrivalled. His great talent was that of condensation. His arguments amounted almost to demonstration. He drew to his aid almost



all the literature and science the human mind can embrace."—Memoirs.

### Ten Thousand Dollar Practice When Made Chief Justice.

When appointed Chief Justice of Massachusetts, at the age of fifty-six, Mr. Parsons had a practice, which extended throughout New England and even into New York, of about \$10,000 a year, which is equivalent to more than twice, if not three times that sum, now. He sacrificed this business for the judgeship which paid but \$1,233; but which was raised to \$2,500, and again to \$3,500, during his term.

### Appearance.

"He was rather tall, quite six feet, of light complexion, quite dark hair, light gray eyes; became bald early, and wore a wig to the day of his death; bright and winking eyes, of firm and slow step, and nervous temperament."—Memoirs, pp. 326-7.

### Merchants Submitted Disputes to Him.

"So great was his reputation as a lawyer, that in Boston, it was customary for merchants of distinction who had some unavoidable dispute, to make out a statement of the facts, and submit them to his decision."—Memoirs, p. 410.

### His Library.

"His library of between five and six thousand books was carefully read, as he had a perfect passion for reading. It was sold at auction after his death,

and brought more than its original cost with interest, which shows the care and skill with which the books were selected."—*Memoirs*, p. 263.

Greek, Physics and Mathematics.

He was very proficient in, and loved to study, Greek, the physical sciences, and mathematics. He prepared a Greek grammar for publication when about forty years old, but did not publish it, because, when ready for the press, the Gloucester, England, grammar was republished in this country. In science he performed chemical experiments, had magnets, electrical apparatus, a great telescope, and some small microscopes, and kept abreast of the times in all the sciences. In mathematics he was profound, writing a paper on the theory of Parallel Lines, and one upon the extraction of the roots of Affected Equations. These were his relaxations.

"A Hypochondriac"—Choate.

"Chief Justice Parsons was a chief hypochondriac, not less as a justice than as a man of society."  
—Rufus Choate.

## GEORGE RECORD PECK, KANSAS.

(1843. —)

George Record Peck was born in New York, May 15, 1843; removed in 1849 to Wisconsin. Worked on his father's farm until his sixteenth year. After teaching, then studying at Milton College, enlisted in the First Wisconsin Artillery, went with Sherman to the sea, won a captaincy for bravery in battle, and participated in the final grand review at Washington. Studied law at Janesville, Wisconsin, where he held his only elective office, Clerk of the Circuit Court. Removed to Kansas in 1871, and in 1874 was appointed by President Grant United States District Attorney for Kansas. Retiring from this service, he became General Solicitor of the Atchison, Topeka and Santa Fe Railroad Company. This position he has held, except for a short time, up to the present, refusing the United States Senatorship on the death of Senator Plumb. His general scholarship is fine. From the University of Kansas he received the degree of LL.D. As a lawyer he combines dashing courage with cool discretion. A most ardent and devoted counsel,

he yet maintains toward his cases a remarkable judicial attitude, rarely being deceived by prejudices or sympathies. He is strong in his adherence to main issues, and is never diverted or distracted by unessentials. Eliminating everything that can be spared, he charges straight at the issue—soldierly in every respect. He is thorough in preparation, and investigates from the standpoint of the judge. He has been a great reader, not only of law, but of philosophy, history and general literature. He possesses a very select miscellaneous library of some five thousand volumes. As attorney of one of the greatest railway systems in the country, he receives a salary of \$25,000 a year, and has recently removed to Chicago. In his personal relations he is most companionable, generous to a fault, youthful in his enthusiasm, magnanimous to rivals, and a tower of strength to his friends.

### Luck.

“Men talk of luck, as if the keys of destiny were thrown carelessly around for any hand to grasp. True it is, there is a mysterious indefinable something compounded of time and opportunity which makes success. But mark how scornfully it passes by the

slothful and the timorous to set its seal upon the brow of him who answers to the call of fate. I doubted that it was right to set the flag a little closer to the enemy."—Extract from an address on "The Character of Grant," delivered at Lawrence, Kans.

### Duty.

"The very universe is but the obedient response to an omnipotent thought. It is only duty that holds systems together, and fills all space with the melody of order and law."—Idem.

### Grant.

"The ambition that bubbles of glory and whispers sometimes of thrones and diadems found General Grant deaf to every voice, save that which bade him go forward to the duty that lay nearest. I call him great, not forgetting that greatness commonly needs the perspective of years. It is the antique that seems colossal. You wreath the name of Pericles with glory, but his contemporaries deemed him worthy of fines and punishment. English hands exhumed the bones of Oliver Cromwell and hung them on a gibbet. To-day history has named him incomparably the greatest of English soldiers and of English rulers. Washington, Lincoln and Grant tasted the bitterness that gathers in the cup of the world's greatest men."—Idem.

**EDWARD JOHN PHELPS, VERMONT.**

(1822- —)

Professor of law at Yale Law School, and recently of counsel for the United States before the Behring Sea tribunal. He was born in Middlebury, Vermont, July 11, 1822. Graduated at Middlebury College at eighteen, which conferred upon him the degree of LL.D. thirty years later. Studied law with Horatio Seymour at Utica, New York, and at Yale, being admitted to the Middlebury bar at twenty-one. Removed to Burlington, Vermont, 1845. Was Second Comptroller of the Treasury under President Fillmore; delegate to the Vermont constitutional convention, 1870; presided over the Battle of Bennington anniversary ceremonies, 1877; delivered, 1880, a series of lectures before the students of the University of Vermont on medical jurisprudence, which were published in book form. He was President of the American Bar Association, 1880; became professor of law at Yale in 1881, which position he still holds, and in 1882 lectured on Constitutional law at Boston University. President Cleveland appointed him Minister

to Great Britain in April, 1885, and, in 1893, senior counsel on the part of the United States to represent this country before the Behring Sea Tribunal, in which connection Baron De Courcel, president of the tribunal, said, after Mr. Phelps had concluded his argument: "You have performed the duty devolving upon you in a manner deserving of admiration. You have blended the deep science of the lawyer with the refinement of the man of letters, and the dignity of the diplomatist. The court appreciates the delicacy of the touch with which you have handled matters already before us in manifold form. I beg to be allowed to consider the laurels which you have won at this cosmopolitan bar as a fair addition to the wreath of honors that you have conquered in other fields of the old and new world." Mr. Phelps possesses what he himself characterizes as the rarest of human virtues—moral courage. He is a very scholarly man, and has delivered many addresses on legal and Constitutional questions.

#### *Liberty Under Law.*

"The experience of American free government has shown that it is the tendency of its legislative

branches to decrease, and of its judicial power to rise, in public estimation. It has added a fresh demonstration to the truth that is as old as the history of freedom, that it must find its safety where it found its origin, in the exertions of those to whom truth is better than popularity, and right superior to gain. And has proved again what has been proved so often, that the only liberty humanity can tolerate, is the liberty that is under the law."—Extract from an address on the "Supreme Court and the Sovereignty of the People," at New York, February 4, 1890.

#### Public Confidence.

"Public confidence is a sensitive plant. No institution in a free government can afford to endanger it."—Idem.

#### The United States Supreme Court.

"Judicial history has not furnished another example of a court, created by an authority superior to legislation and beyond the reach of executive power, clothed with a jurisdiction above the law it was appointed to administer, and charged not merely with the general course of public justice, but with the limitation of the powers of political government, and the adjustment of the conflicting claims of sovereign States."—Idem.



## WILLIAM PINKNEY, MARYLAND.

(1764-1822.)

Orator, lawyer, statesman, diplomatist. Called by Wirt, "The Maryland Lion." Born at Annapolis, Maryland, March 17, 1764, died in Washington, D. C., February 25, 1822, aged fifty-seven. His father's property was confiscated on account of his Toryism, but the son was loyal. His early education was imperfect. Chose medicine, but relinquished it for law. Read with Samuel Chase—one of his three ideals—Dulany, Martin, Chase. Admitted at twenty-two. Member of the Maryland convention at twenty-four, which ratified the Federal Constitution; member of Legislature; Attorney General of Maryland, 1805; Minister to England, 1806; Attorney General of the United States, 1811, resigning, 1814, because compelled to live in Washington.

He was one of the most accomplished men of his age, and except John Randolph, of Roanoke, the best read in general literature. Was engaged in all the nisi prius cases in Maryland, in every important case in its Court of Appeals and in the United States Su-

preme Court. During his journeys, he had his carriage fitted up with book-shelves and a select library, and briefed his cases while traveling. He never argued a cause until all its details were mastered. He spoke with vehemence, even ferocity—rushing from thought to thought, his eyes fiery, his nostrils distended, and his lips covered with froth; frequently sweeping his right arm along his side, his right foot advanced, and his body alternately thrown back, as if about to spring upon his adversary, big drops of sweat all the while coursing down his face. Choate pronounced him the most consummate master of an exuberant diction to whom he had ever listened. "The greatest legal reasoner I ever heard," said Marshall. "Led away the understanding," added Story. "Has enlarged my admiration of the capacity of the human mind," declared Rufus King.

He was elegant, refined, fastidious—changing his toilet twice a day; robust, vehement, overwhelming, and always well prepared. Of his oratory, Wirt said: "He wielded the club of Hercules adorned with flowers."

## Constructive Treason.

"Gracious God! In the nineteenth century to talk of constructive treason! Is it possible that in this favored land—this last asylum of liberty—blest with all that can render a nation happy at home and respectable abroad—this should be law? No. I stand up as a man to rescue my country from this reproach. [Judge Duvall, one of the judges before whom the argument was made, had decided that Hodges' delivery of prisoners to the enemy was treason. Mr. Pinkney appeared for the accused, Mr. Hodges.] I say there is no color for this slander upon our jurisprudence. Had I thought otherwise, I should have asked for mercy, not for law. I would have sent my client to the feet of the President, not have brought him, with bold defiance, to confront his accusers, and demand your verdict. He could have had a *nolle prosequi*. I confirmed him in his resolution not to ask it, by telling him that he was safe without it. Under these circumstances, I may claim some respect for my opinion. My opportunities for forming a judgment upon this subject, I am compelled to say, by the strange turn which this cause has taken, are superior to those of the Chief Justice. I say nothing of the knowledge which long study and extensive practice enabled me to bring to the consideration of the case. I rely upon this: my opinion has not been hastily formed since the commencement of this trial. It is the result of a deliberate examination of all the authorities, of a thorough investigation

of the law of treason in all its forms, made at leisure and under a deep sense of a fearful responsibility of my client. It depends upon me whether he should submit himself to your justice, or use with the Chief Magistrate the intercession of the grand jury, which could not have failed to have been successful. You are charged with his life and honor, because I assured him that the law was a pledge for the security of both. I declared to him that I would stake my own life upon the safety of his; and I declare to you now, that you have as much power to shed the blood of the advocate as to harm the client whom he defends. \* \* \* The opinion which the Chief Justice has just delivered is not, and I thank God for it, the law of the land." (In treason and libel, the jury are the judges of both the law and the fact). The jury, without hesitation, brought in a verdict of not guilty.—Extract from Pinkney's argument in the *United States v. Hodges*, 2 *Wheeler's Cr. Cas.*, 477, in U. S. Circuit at Baltimore, 1815.

### Immortality.

"We shall meet again in purity and joy the friends who are every day falling around us."—Extract from a letter from London, 1809, to his sister-in-law, Mrs. Ninian Pinkney, on the loss of a child.

### False Reputation at the Bar.

"The bar is not the place to acquire or preserve a false or fraudulent reputation for talents."

## Ambition as a Lawyer.

"I do not desire to live a moment after the standing I have acquired at the bar is lost, or even brought into doubt or question."

## Committed Fine Passages.

"I never read a fine sentence in any author without committing it to memory."

## Greatness.

"Greatness and humanity are the parents of conciliation; but stubbornness and obstinacy are the effects of causeless barbarity."—From speech in Maryland Legislature, when twenty-four, upon a law prohibiting the voluntary emancipation of slaves.

## The Theory of Our Government.

Pinkney favored the admission of Missouri into the Union as a slave State in 1820, arguing that "the Constitution of the United States proceeds upon the truth of the doctrine laid down by Vattel that 'Nature has established a perfect equality of rights between the dependent nations,' and that 'whatever the quality of a free sovereign nation gives to one, it gives to another;' that it takes the States as it finds them, free and sovereign alike by nature; that it receives from them portions of their power for the general good, and provides for the exercise of it by organized political bodies; that it diminishes the individual sovereignty of each, and transfers, what it subtracts, to the

government which it creates; that it takes from all alike and leaves them relatively to each other equal in sovereign power." "Now," in the same speech, he asked, "is the Union formed? By equal contributions of power. Make one member sacrifice more than another, and it becomes unequal. The compact is of two parts: 1, the thing obtained—Federal rights; 2, the price paid—local sovereignty. You may disturb the balance of the Union, either by diminishing the thing acquired, or increasing the sacrifice paid."—Extract from speech in United States Senate, 1820: Wheaton's *Life of Pinkney*, p. 99.

#### The Constitution a Reality.

"I have a deep and awful conviction that upon that judgment it will depend mainly whether the Constitution under which we live and prosper is to be considered like its precursor, a mere phantom of political power, to deceive and mock us; a pageant of mimic sovereignty calculated to raise up hopes that it may leave them to perish; a frail and tottering edifice that can afford no shelter from storm, either foreign or domestic; a creature half made up, without heart or brain, or nerve, or muscle, without protecting power or redeeming energy,—or whether it is to be viewed as a competent guardian of all that is dear to us as a Nation."—Extract from speech in *McCulloch v. State of Maryland*, 4 Wheat., 316 (1819). The speech occupied three days in its delivery. See *Wheaton's Life of Pinkney*, p. 163-6.

## The Supreme Court.

"I meditate with exultation, not fear, upon the proud spectacle of a peaceful judicial review of these conflicting sovereign claims by this more than Amphictyonic council. I see in it a pledge of the immortality of the Union, of a perpetuity of national strength and glory, increasing and brightening with age,—of concord at home, and reputation abroad."—Extract from same speech.

## Went Abroad to Avoid Toil in the Law.

"There are those among my friends who wonder that I will go abroad, however honorable the service. They know not how I toil at the bar; they know not all my anxious days and sleepless nights. I must breathe awhile; the bow forever bent will break. Besides, I want to visit Italy. The orators of Britain I have heard, but I want to visit that classic land, the study of whose poetry and eloquence is the charm of my life. I shall set my foot on its shores with feelings that I cannot describe, and return with new enthusiasm, I hope advantages, to the habits of public speaking."—Remarks in conversation with a friend, upon being appointed Minister to Russia, and special Minister to Italy: Wheaton's Life, p. 147.

## Wheaton's Pen-Picture—As a Lawyer.

"His success was as much the effect of extraordinary diligence and labor as of his genius and rare endowments of mind. His continued application to

study, writing and public speaking, which a physical constitution as powerful as his intellectual enabled him to keep up with a singular perseverance, was one of the most remarkable features of his character. He was never satisfied with investigating his causes, and took infinite pains in exploring their facts and circumstances, and all the technical learning connected with them. He constantly continued the practice of private declamation as a useful exercise, and was in the habit of premeditating his pleadings at the bar, and his other public speeches—not only as to the general order or method to be observed in treating his subject, the authorities to be relied on, and the leading topics of illustration, but frequently as to the principal passages and rhetorical embellishments. These last he sometimes wrote out beforehand; not that he was deficient in facility or fluency, but in order to preserve the command of a correct and elegant diction. He was a consummate master of the art of extemporaneous debating. \* \* \* His law papers were drawn up with great care; and his written opinions were elaborately composed, both as to matter and style; and frequently exhausted, by a full discussion, the subject submitted for his consideration. If to all these circumstances, be added the fact that he engaged in the performance of his professional duties with unusual zeal, always regarding his own reputation as at stake, as well as the interests of his client, and sensibly alive to everything which might affect either, and that he spoke with great ardor and ve-



hemence; it must be evident that the most robust constitution would not be sufficient to sustain such intense and unintermitted labor, where every exertion was a contest for victory, and each new success a fresh stimulus to ambition."—Wheaton's *Life of Pinkney*, pp. 142-7.

### His Reputation.

"He was devoted to the law with a true enthusiasm; and his other studies and pursuits, so far as they had a serious object, were valued chiefly as they might minister to this idol of his affections. During the last ten years of his life, the principal portion of his attendance in the Supreme Court of the Nation, he enjoyed the reputation of having been rarely equalled, and perhaps never excelled, in the power of reasoning upon legal subjects. This was the faculty which most fresh stimulus to ambition."—Wheaton's *Life of Pinkney*, pp. 177 and 179.

### "Never Heard Such a Speech," Said Judge Story.

"I never in my life," said Judge Story, in speaking of his effort in *McCulloch v. Maryland*, "heard a greater speech. It was worth a journey from Salem to hear it. His elocution was excessively vehement, but his eloquence was overwhelming. His language, his style, his figures, his arguments were most brilliant and sparkling. He spoke like a great statesman and patriot, and a sound Constitutional lawyer. All the cobwebs of sophistry and metaphysics about

State rights and State sovereignty he brushed away as with a mighty besom."—Story's *Life and Letters*, Vol. 1, p. 325.

#### Marshall's Description of His Rhetoric in the Nereide.

Chief Justice Marshall, carried away by admiration, even to forgetting somewhat the severity of the judgment seat, burst forth in that splendid eulogium of the rhetoric of Mr. Pinkney in the following: "With a pencil dipped in the most vivid colors, and guided by the hand of a master, a splendid portrait has been drawn exhibiting this vessel and her freighter as forming a single figure, composed of the most discordant materials of Peace and War. So exquisite was the skill of the artist, so dazzling the garb in which the figure was presented, that it required the exercise of that cold, investigating faculty which ought always to belong to those who sit on this bench to discover its only imperfection—its want of resemblance."—*The Nereide*, 9 Cranch, 389 (1815), in which Mr. Pinkney's position was not sustained. .

#### Pinkney and Webster.

When Webster first began to practice in the United States Supreme Court he found Pinkney very annoying and aggravating in his manner, as he expected to be treated with great deference as the acknowledged leader of the American bar. On one occasion, Mr. Pinkney had been insulting, so much so that Chief Justice Marshall himself was pained by

his conduct. After court, Mr. Webster called him into one of the grand jury rooms. Mr. Webster must tell the rest:

"Unobserved, I turned the key, and put it in my pocket. Mr. Pinkney seemed to be waiting with some astonishment. I advanced toward him and said, 'Mr. Pinkney, you insulted me this morning in the court room; and not for the first time, either. In deference to your position, and to the respect in which I hold the court, I did not answer you as I was tempted to do on the spot.' He began to parley. I continued: 'You know you did; don't add another sin to that; don't deny it; you know you did it, and you know it was premeditated. It was deliberate; it was purposely done; and if you deny it, you state an untruth. Now, I am here to say to you, once for all, that you must ask my pardon, and go into court to-morrow morning and repeat the apology, or else either you or I will go out of this court room in a different condition from that in which we entered it.' I never was more in earnest. He looked at me and saw that my eyes were pretty dark and firm. He began to say something. I interrupted him. 'No explanations,' said I. 'Admit the fact, and take it back. I do not want another word from you except that. I will hear no explanations; nothing but that you admit it, and recall it.' He trembled like an aspen leaf. He again attempted to explain; said I, 'There is no other course, I have the key in my pocket, and you must apologize or take what I give you.' At that he hum-

bled down, and said to me, 'You are right; I am sorry: I did intend to bluff you; I regret it, and ask pardon.' 'Enough,' I promptly replied. 'Now, one promise before I open the door; and that is that you will to-morrow morning state to the court that you have said things which wounded my feelings, and that you regret it.' Pinkney replied, 'I will do so.' Then I unlocked the door and passed out. The next morning Mr. Pinkney at once arose and stated to the court that a very unpleasant affair had occurred the morning before; that his friend Mr. Webster had felt grieved at some things which had dropped from his lips; that his zeal for his client might have led him to say some things which should not have been said; and that he was sorry for having thus spoken. From that day, while at the bar, there was no man who treated me with so much respect and deference as Mr. Wm. Pinkney."—Harvey's Reminiscences, p. 122.

[This anecdote is discredited by Henry Cabot Lodge, in his *Life of Webster*, p. 95, note.]

#### Coke-Littleton.

"I consider the late Chief Justice Parsons and myself the only men in America who have thoroughly studied and understand Coke-Littleton."

#### Studied Medicine.

"He commenced the study of medicine, but soon found that he had mistaken his vocation."—Wheaton's *Life of Pinkney*, p. 5.

### Judge Story's Estimate.

The character of William Pinkney as an orator, lawyer and statesman, was pronounced by Judge Story, "a study worthy of the young men of the land; one of the grandest themes the tongue of eloquence can touch or the mind of genius can analyze."

### Master of the Law of Real Property and Pleading.

"His attainments in the law of real property and the science of special pleading, then the two great foundations of legal distinction, were accurate and profound."—Wheaton, p. 6.

### His Study of the Classics.

"During his residence in England some question of classical literature was discussed at the table in a social party where he was present, and the guests, in turn, gave their opinions upon it. Mr. Pinkney being silent for some time, an appeal was at length made to him for his opinion, when he had the mortification of being compelled to acknowledge that he was unacquainted with the subject. In consequence of this incident he was induced to resume his classical studies, and actually put himself under the care of a master for the purpose of reviewing and extending his acquaintance with ancient literature."—Pinkney's Life by Wheaton, p. 184.

### His Practice Twenty-one Thousand Dollars a Year.

In 1816 he tried to induce Judge Story to resign from the Supreme Bench and take his practice, which he stated was worth \$21,000 per annum—equivalent to more than \$100,000 now. This was when he took the Russian mission.

### His Pastimes.

"He was a good shot and fond of hunting, expert at billiards and whist and fond of nature, sketched capitally for his children, was much given to novel-reading, hospitable, profuse of money, and a great student of prosody and dictionaries."—Irving Browne's "Short Studies of Great Lawyers," p. 254.

### His Vanity Caused His Death.

His vanity caused his death. Arguing a case before the Supreme Court he was seen to be unable to proceed by Judge Story, who sent the clerk to him with a message that he had better desist, and the court would adjourn for him to finish his speech. He replied, "Tell Judge Story that I am much obliged to him for the kind suggestion, but that I must go on; I have a reputation to maintain; I can't sacrifice that." He did go on, but when through was so exhausted that he was obliged to go to bed, from which he never rose.

Lived in Baltimore While Attorney General.

"While Attorney General he resided altogether in Baltimore, and maintained his post almost without interruption to his private engagements at the bar."  
—2 Kennedy's Wirt, p. 56.

### His Oratory.

His oratory was evidently borrowed from no one, and is thus described by Professor William Mathews:

"Beginning with some timidity, and speaking in low and indistinct murmurs, as if he were conjuring up the spirit of his elocution by muttered incantations, he shook off his embarrassment as he advanced, and raising his voice to a higher and higher key, was soon borne along on the tide of an impetuous and overwhelming oratory. Both in his senatorial and forensic speeches, he 'spoke with great vehemence, rushing from thought to thought with a sort of ferocity, his eye fiery, his nostrils distended, and his lips covered with froth, which he would wipe away.' His gesture was also peculiar. His right arm was not brandished in the usual manner, but brought in frequent sweeps along his side; his right foot advanced, and his body alternately thrown back as if about to spring, and heaved forward again, as if in act to strike down his adversary; big drops of sweat all the while coursing along their channels from his forehead."—"Oratory and Orators," pp. 361-2.

## JOHN NORTON POMEROY, CALIFORNIA.

(1828-1885.)

"The Macaulay of Equity." Born at Rochester, New York, April 12, 1828, died in San Francisco, California, February 15, 1885, aged fifty-six. Was the son of Enos Pomeroy, one of the pioneer lawyers of Western New York, and many years surrogate of Monroe county. Entered Hamilton College at fifteen, but left without graduation. Taught in Rochester, New York, Lebanon, Ohio, and Kingston, New York. Studied law with Thomas Corwin, of Lebanon, and Judge Henry R. Selden, of Rochester, being admitted at twenty-three. After thirteen years' practice he was called to the chair of Municipal Law in the University of New York, which he filled from 1864 to 1870. Became professor of law in the University of California in 1878, which position he held till death. Hamilton College made him LL.D. in 1865.

He is the author of numerous law treatises, not confined to any particular branch of the law, the most notable being his first and last—"Municipal Law,"



and "Equity Jurisprudence;" the former containing, in the language of Chief Justice Horton, of Kansas, "the most complete and satisfactory sketch of the unwritten law extant," and the latter being characterized by Professor William G. Hammond as "The best American and English treatise on the subject, and very probably will always remain so. An abler discussion of equity as it now is, than Judge Story's was of equity when he wrote." He is chiefly known through his law lectures and books. He was a frequent contributor to the *North American Review*, the *American Law Review*, the *Nation*, and other periodicals, and one of the editors of *Johnson's Encyclopedia*, contributing a large number of legal articles in that work. He believed that "Jurisprudence is the best exponent and stimulus of civilization" Excelled in clear definition, orderly arrangement, exact classification and searching for the sources and logical results of principles which cannot change. He was of studious and recluse habits, a proficient in Roman and ancient law, and one of the most discriminating and philosophical law writers of our country.

JOHN K. PORTER, NEW YORK.  
(1819-1892.)

One of the three greatest advocates who contested the Beecher-Tilton case. Born at Waterford, New York, January 12, 1819; died in New York, April 11, 1892, aged seventy-three. Graduated from Union College at eighteen; read law with Doe and Kimball, of Waterford; admitted at twenty-one, and settled at Saratoga. In 1848 he moved to Albany and formed a partnership with Nicholas Hill, Jr., and Peter Cagger—the former and Mr. Porter often arguing and briefing cases all night in their \$50,000 library. At twenty-seven he was a member of the New York constitutional convention. In 1865 he was appointed Judge of the New York Court of Appeals, resigning which, 1867, he moved to New York city.

He was counsel at thirty-four for John C. Mather for impeachment; appeared at thirty-eight for the disfranchised corporators of Trinity Church; made his great argument in the Parrish will case in the New York Court of Appeals at forty-three; appeared in Quadruplex Telegraph cases in New York Su-

preme Court; defended the Tribune, 1861, for libel (*Littlejohn v. Greeley*, 13 Abb. Pr. 311); represented plaintiff in *Metropolitan Bank v. Van Dyck*, 27 N. Y. 400, involving the legality of the Legal Tender Acts; successfully defended General Babcock at St. Louis, Missouri, 1875; appeared for Beecher in his great trial with Tilton; refused a \$50,000 retainer from Tweed; prosecuted Guiteau for the Government; was attorney for the New York Elevated railroads.

His judicial fame may well rest upon *People v. Roper* (35 N. Y. 631). He came nearer being a genius than any contemporary at the New York bar. His most potent characteristic was his dramatic power, being peerless before a jury. Said the Albany Law Journal, during the Beecher trial: "Mr. Beach fills us with admiration of the advocate, Mr. Porter makes us in love with his cause; Mr. Beach lifts us up, Mr. Porter carries us away; when we listen to the one we are afraid we shall yield without knowing it. Evarts, Porter, Beach, combined would make the ideal advocate. If we are ever indicted, we shall retain Evarts as general manager, Porter to sum up to the jury, and Beach to argue the appeal, if we happen to be convicted."

### Sovereignty of the National Government.

"The Federal Government, in its national relations, is invested with the powers of sovereignty. If the Constitution had failed to invest it with these, it would, in the language of Chief Justice Marshall, have been only 'a splendid bauble.' Mere forms are nothing. Substance is everything. It was said by Napoleon, that 'a throne is a mere block of wood, covered with velvet.' A national constitution, which failed to organize a nation, would be even more unmeaning than the throne stripped of its covering."—Extract from argument in *Metropolitan Bank v. Van Dyck*, N. Y. Court of Appeals, on the Constitutionality of the Legal Tender Acts (27 N. Y., 400), June 27, 1863.

### His Appearance and Style.

"In person rather insignificant, and in manner apparently somewhat theatrical, he possesses none or few of the graces of the orator. But he possesses something which is more effective: namely, the indefinable magnetism which enables some rare men to fascinate their auditors. In our opinion, Mr. Porter comes nearer to being a genius than any other man at our bar. If we were called on to point out his most prominent and potent characteristic, we should say it is his dramatic power. His trial of a cause from the start is a consecutive drama. No question and no suggestion but has some connection in his mind with his final argument. \* \* \* In summing up,

his glowing imagination, his exquisite ingenuity, his magnificent generalizations, his manly pathos, his faculty of grouping and contrasting facts, his fertility of illustration, and his vivid and dramatic rhetoric, seize upon the listener, and carry him out of himself and make him the property of the orator."—Albany Law Journal, during Beecher-Tilton trial, 1875.

SEARGENT SMITH PRENTISS, MISSISSIPPI.  
(1808-1850.)

Seargent Smith Prentiss was born at Portland, Maine, September 30, 1808; died in Natchez, Mississippi, July 1, 1850, aged forty-two. He graduated at Bowdoin College, in 1826; went to Natchez in 1827; was admitted to the bar in 1829; removed to Vicksburg in 1832; was elected to the Legislature in 1835; and to Congress in 1837, where his seat was contested and given him in December, 1838, only after three elections. Of his marvelous speech on that occasion, Webster said, "Nobody could equal it." In the House he so well maintained his reputation that, commenting upon his speech on the Sub-Treasury Bill, an opponent truly said: "He is, beyond all controversy, the first man of his age." After his great Nashville speech for Clay in 1844, he fell fainting into the arms of Governor Jones, who enthusiastically exclaimed: "Die, Prentiss, die! you'll never have a more glorious opportunity." He was invited in 1849, before Webster and Choate, to address the Story Law Association of Harvard. His appeal at New Orleans

in behalf of the starving population of Ireland has been pronounced second only to Antony's oration over the dead body of Caesar.

From 1834 to 1845 he was in almost every great case tried in Mississippi. His most powerful jury efforts were those in the Bird and Phelps murder cases, which he prosecuted, both being convicted; while his matchless tact and brilliant defense of his friend wrested from a Kentucky jury a verdict of "not guilty" in the famous Wilkinson murder case. Dissatisfied with the policy adopted in the repudiation of the State debt, in 1845, he removed to New Orleans, but returned to Natchez just prior to his death.

The depth, accuracy, and extent of his classical attainments; his profound knowledge of the law and rapid mastery of facts, wondrous power of analysis and argument, high character and courage, engaging manners and rare urbanity, challenged the admiration and won the hearts of all classes; while his vast learning and iron logic, poetic soul and sublime imagination, musical voice and impassioned eloquence, gave him an irresistible charm before court, jury and people.

### Read Biography.

"It would be well to read some biography—more especially the lives of the great men of our country—Washington, Franklin, etc. It will raise your ambition, and show you what can be done through industry and exertion, by those whose advantages have not been as good as your own."—Advice to his brother George.

### Success in Life Depends Upon Skill in Use of Knowledge.

"Success in life depends not so much upon the actual quantity of knowledge which a man possesses, as upon the skill and facility with which he is enabled to bring it to bear upon the affairs in which he may be engaged. This is particularly true with regard to great men. Their greatness consists less in the extent of their knowledge than in the way in which they use it. Clay's superiority consists in the power and adroitness with which he brings his information to bear."—Letter to his younger brother: *Memoirs*, p. 125.

### Teaching.

"Teaching is an ungrateful task."—*Idem*, 174.

### Lafayette's Resting Place.

"Let no cunning sculpture, no monumental marble, deface with its mock dignity the patriot's grave, but rather let the unpruned vine, the wild flower, and



the free song of the uncaged bird, all that speaks of freedom and of peace, be gathered around it."—Prentiss' depiction of a fit resting place for Lafayette: Shields' *Life and Times of Prentiss*, p. 439.

### Love of Literature.

"I have always cherished a taste for literature, and I only regret the waste of so many bright hours of my life, which might have been devoted to a more close cultivation of that taste."—Said to Hon. Jos. Cobb, of Columbus, Miss.: Shield's *Life of Prentiss*, p. 416.

### Humbleness.

"The world's applause has always astonished me. I am not conscious of ever having neglected the business of a client or constituent, still I have really been an idle man. I feel that I have not improved my time as I might and should have done."—Idem, 416.

### Setting Sun.

"Friends, that glorious orb (the setting sun) reminds me that the day is spent, and I, too, must close. Ere we part, let me hope that it may be our good fortune to end our days in the same splendor, and that when the evening of life comes, we may sink to rest with the clouds that close in our departure, gold-tipped with the effulgence of a well-spent life."—Close of a speech for General Taylor in campaign of 1848: Shield's *Life of Prentiss*, p. 412.

## Dying of Disease in War.

"But there are others who equally claim a place in our sad remembrance. I mean those who died from disease, whose fiery hearts were extinguished in the dull camp or on the gloomy march. It is easy to die in battle. The spirit is stirred to a courageous madness by the rushing squadrons, the roaring cannon and the clashing of steel. All the fierce instincts of our nature are aroused, and the soldier seeks for death as the bridegroom seeks his bride. But to waste away with sickness, to be crushed by the blows of an unseen enemy with whom you cannot grapple, to know death is approaching slowly, but surely, to feel that your name will occupy no place on the bright scroll of frame—thus, without any of the pride and rapture of the strife, to meet bravely the inevitable tyrant, is the highest test of the soldier's courage, the strongest proof of the patriot's devotion. \* \* \* Thousands of sparkling eyes are eagerly watching for your return. Tears will fill them when they seek in vain among your thinned ranks for many a loved and familiar face, but through those tears will shine the smile of joy and welcome, even as the rays of the morning sun glitter through the dew-drops which the sad night had wept."—From speech in New Orleans to returning soldiers from Mexican war, 1847.

## General Jackson.

"General Jackson on the currency is like a man who should seize you by the jugular vein, and, substi-

tuting his own will for the self-regulating law of health, ordain how fast or how slow the life-blood should course through it."—From speech in Portland, Me., in 1837, at twenty-nine years of age, while there on a visit: *Memoirs*, p. 224.

### Credit and Confidence Built Up the West.

"It is the twin influence of credit and confidence which has built up the great West to its height of power and industrial grandeur. Armed with these peaceful implements, American industry and enterprise, it has subdued the wilderness and caused it to rejoice and blossom as the rose."—From his Portland, Me., speech in campaign of 1840.

### Paid From \$50,000 to \$100,000 for Others.

"He paid from \$50,000 to \$100,000 for endorsing others' notes. What he had paid he had been compelled to raise by mortgaging his property."—*Shields' Life*, p. 389.

### Recourse to Classical Dictionary.

"Prentiss' 'Classical Dictionary' was the fountain from which he always drew when about to make a speech. Said it was an invincible weapon for giving interest and effect to a stump speech; that he never knew the shirt of Nessus, the labors of Hercules, or the forge of Vulcan to fail."—*Memoirs*, p. 28. ♣

### Soared Like an Eagle.

"After teaching more than a year, and completing his legal studies, Prentiss was admitted to the bar in 1829; and after this rose like an eagle cut loose from the cord that had bound it, till he soared above all his profession in the State (Mississippi), and ranked among the first orators of his time."—Nathaniel Wright, Esq., Cincinnati, Ohio.

### Law Practice at Twenty-Six.

"His practice at twenty-six years of age was as great as that of any young lawyer in Mississippi."—Memoirs, p. 138.

### At Twenty-Eight Won a \$100,000 Case.

Won a lawsuit when twenty-eight years old in which the interest in the land gained was worth \$100,000."—Memoirs, p. 220.

### Marshall Praises Him at Twenty-Five.

"In 1833, at twenty-five years of age, he addressed the United States Supreme Court, and in spite of his youthful fire and highly wrought fancy, his thoughts were so happily fortified by deep reading and deep thought, that he instantly attracted the notice of Chief Justice Marshall, and called forth from that master mind involuntary praise, who said, 'If it were not for his surpassing eloquence he would gain the title of the best legal mind in the country.'"—Memoirs, p. 122.

Asked to Address the Story Law Association, Before  
Webster and Choate.

"In 1849, the year before his death, Prentiss received one of the highest compliments of his life—an invitation from the Story Law Association of Harvard University to deliver the first annual address. He had to decline the honor on account of his health. Then Webster was chosen, but could not act, and at last it fell to the lot of Rufus Choate, who proved himself equal to his fame."—Shields' Life of Prentiss, p. 417.

Had Chronic Dysentery.

"During the last few years of his life he was reduced to a mere skeleton by chronic dysentery, and made his great argument, in 1850 at New Orleans, in Pultney's Heirs v. City of Lafayette, sitting, being too weak to stand. This case involved millions of dollars worth of property."—Shields' Life of Prentiss, p. 418.

Clay's Appearance in New Orleans in 1844.

"When Clay visited New Orleans in the campaign of 1844, being a candidate for the Presidency, a thousand voices called for a speech from Prentiss. He lifted his hand, and pointing to the group surrounding Mr. Clay, said, 'Fellow-citizens, when the eagle is soaring in the sky, the owls and bats retire to their holes.'"—Shield's Life, p. 333.

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## Campaign for Congress in 1837.

In 1837, in his campaign for Congress, he said: "For ten weeks I averaged upward of thirty miles a day on horseback, and spoke two hours each week-day. I had my appointments made in advance through the State, and did not miss a single one, rain or shine."—Memoirs, by his brother, p. 243.

## Logician and Rhetorician.

"His logic was as accurate and subtle as that of a schoolman, while the fairest gems of literary culture adorned his rhetoric."—Said of his speech in contest of his Congressional seat in 1837.

## Declined Professorship of Law in Louisiana State University.

"Upon the death of Mr. Wilde, Mr. Prentiss was offered the chair of international law and equity in the State University of Louisiana, but declined on account of the absorbing duties of his profession."—Shields' Life of Prentiss, p. 398.

## Hissing of a Goose.

"Being hissed when denouncing repudiation of State bonds in Mississippi, he paused, and pointing his finger in the direction of the sound, slowly uttered: 'Rome was once saved by the hissing of a goose, but I doubt if this republic ever will be.'"—Shields' Life, 312.

## Legare.

"Legare was a gentleman who surpassed nearly all the public men of his time in the depth, accuracy and extent of his classical attainments."—Memoirs, by his brother, p. 255.

## Everything We Enjoy Is Mortgaged.

"In truth, every good thing we have is mortgaged—earth, sea and sky; ay, the very air we breathe, as diseases and sickness can bear witness. We inherit no blessing, no right or advantage which is not ours in trust, and which is not linked to some duty."—From his argument in *Cowden v. Dobyns*, on the Constitutionality of State bonds: *Shields' Life*, p. 325.

## Art and Literature Immortal.

"The most splendid cities, mausoleums, and pyramids must crumble to dust, but the genius embodied in the picture, and the statue, and the literary page, is like the mind of man, endued with immortality. The physical forms of Greece and Rome flitted across the horizon like the shadows of a cloud, passing over a verdant field in a summer's afternoon, but the productions of her heaven-born artists still live and hold a pre-eminent place in the admiration of the civilized world. They will go down on the accumulating tide of glory to succeeding generations, even to the last recorded syllable of time."—From a speech in New

Orleans, in 1844, before a body of people trying to raise funds to build a statue to Benjamin Franklin: Shields' Life of Prentiss, p. 337.

### No Jail in the County.

A gentleman wishing to commend the character of the people of his neighborhood, told Prentiss that there was no jail in the county. "Ah," said Prentiss, archly, "possibly the rascals are in the majority, and they won't build one."

### Braying Jackass.

He was once engaged in a political discussion with a wordy opponent, who talked "against time," so that it was nearly dark before Prentiss rose to speak. It so happened that a neighboring jackass in a pound began braying. Prentiss' friends were greatly annoyed. Prentiss waited patiently till the braying had ceased, and then casting a comical look at the previous speaker, turned to the audience and said, "I did not come here to-day to reply to two equally eloquent speeches," and sat down. The effect upon a Southern audience cannot be described. Prentiss was carried from the stand by his admirers.

### Women's Eyes.

"Who could withstand the battery of the ladies' bright eyes? They were double-barreled cannon that could always sweep the field and come off conquerors."—From a Natchez political speech in 1844.



## James K. Polk.

"The old war horse (Jackson) had dashed through the crowd of common men, and when he emerged James K. Polk was found, like a cockle-burr, sticking to his mane." (Prentiss disliked Polk because he cast the tie vote against him in his first contest for a seat in Congress in 1837).—Shields' *Life and Times of Prentiss*, p. 345.

## Extravagant.

Prentiss was prodigal of nature. At one time he rolled half-dollars down the halls of a Louisville hotel to see the waiters gather them up.—Shields' *Life*, etc., p. 373.

## His Oratory.

"His figures and metaphors were drawn from the grand and beautiful in nature. The mountains, the ocean, the thunder-riven crag, the rainbow, the stars, the flowers, the birds, or the glorious sunset, became a thousand times more grand, or a thousand times more lovely, when called into service by his matchless eloquence."—Judge Morris in his "*State Cases of Mississippi*."

## Shooting Bed-Bugs at a Hotel.

At one time Prentiss and a friend stopped at a hotel infested with bed-bugs. Finding their efforts to sleep unavailing, and being generally disgusted with the hostelry, they got up and went to shooting their small bedfellows, much to the surprise and disgust of the enraged landlord,

## ROGER ATKINSON PRYOR, NEW YORK.

(1828- —)

Born July 19, 1828, near Petersburg, Virginia. Is the son of a minister. Graduated at Hampton-Sidney at seventeen, and two years later at the University of Virginia. Admitted to the bar and married before twenty-one. Entered journalism, joining the staff of the Washington "Union", and later was editor of the Richmond "Enquirer." Was sent at twenty-seven by President Pierce on a diplomatic mission to Greece. Refused the Ministership to Persia upon his return. Was elected to Congress, 1859, and re-elected in 1860, but did not take his seat. Became frequently involved in passionate discussions in that body with his Northern opponents, one of whom, John F. Potter, of Wisconsin, replied with similar acrimony, and was challenged. Mr. Potter named bowie knives as the weapons, but Mr. Pryor's seconds forbade the fight with what they termed barbarous arms. Mr. Pryor in 1861 was eager for war, and made when thirty-two, at Charleston, South Carolina, a fiery speech

urging the South "to strike a blow which would put Virginia in the Confederacy in less than an hour by Shrewsbury clock." He became brigadier general in the Confederacy, and was taken prisoner, 1864. Settled in New York city, 1865, to practice law. When asked what impelled him "to this superhuman task in a hostile camp," he replied, "Despair!" Before his election to the Common Pleas Bench, a \$17,000 position, his practice amounted to about \$12,000 annually. Among his more important cases are the Beecher-Tilton, the Morey letter, the Holland murder and the Sprague cases (the latter in Rhode Island), the Ames Impeachment in Mississippi, the first damage suit against the Elevated Railway, the defense of O'Donnell in London, the Hoyt will, the Jachenc Boodle, the Chicago Anarchist, and the Sugar Trust cases.

Mr. Pryor is more renowned as an advocate than as a counselor. He is an orator of high order; an indomitable worker, a ripe scholar, and a cultivated, original thinker. As he sits patient, dignified, impartial, long-haired, occasionally overlapping his nose with his underlip, he looks every inch an English Chancellor.

## U. M. ROSE, ARKANSAS.

(1834- —)

Born in Marion County, Kentucky, March 5, 1834. Read law with R. A. Rountree at Lebanon, Kentucky, and Transylvania Law School. Graduated in 1853, and came to Batesville, Arkansas, where he entered upon the practice of his profession. In 1860 he was appointed State Chancellor, and held that office throughout the war. In 1866 he moved to Little Rock, where he has since lived, and where he has been for years the undisputed head of the bar. Takes interest in politics, and is a member of the National Democratic committee, but has not accepted any office. In the selection of an Attorney General in 1893, Mr. Cleveland long wavered between him and Mr. Olney. In person he is tall, slender, and erect, with piercing dark gray eyes, and chestnut hair now turning white. He is conspicuous as a scholar, having accumulated, besides his large law library, over six thousand volumes of literary works in many languages. His writings, his speeches at the bar, and public orations, are marked by dignity and finished

elegance, and are peculiar for the wealth of illustration which his wide range of legal and literary studies enables him to bring to bear; a singular capacity for polished ridicule, and occasionally a passionate energy. In his studies he has passed beyond the bounds of the common law, and has devoted much time to the science of jurisprudence, which his knowledge of foreign languages enables him to prosecute to peculiar advantage. His papers on the "Controversies of Modern Continental Jurists," which appeared some years ago in the *Southern Law Review*, give some idea of the extent of his investigations in this line. In the practice, he belongs to the old school, who permit not the slightest deviation from the strictest ethics of the profession; but in the law itself, he is an advanced reformer, and many of the most liberal and enlightened of the State's statutes owe their existence to him. He is fond of travel, and has wandered from Moscow to Honolulu. He speaks German and French fluently, and was said by Jeremiah S. Black to be the most scholarly lawyer in America.

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## CHARLES ARTHUR RUSSELL, ENGLAND.

(1833- —)

Queen's Counsel, Member of Parliament. One of the greatest living English advocates, and lately made Lord Chief Justice of England, in place of Lord Coleridge, deceased. Born at Newery, Ireland, in 1833. Educated at Castleknock school and Trinity College, Dublin. He began practice in Belfast, but soon removed to London, where his task was difficult and his anxieties many. He was admitted to Lincoln's Inn, 1856, and called to the bar, 1859; became Queen's Counsel, 1872. Attorney General during each of Mr. Gladstone's last two administrations. From 1880 to 1885 he was a member of Parliament for Dundal. Since 1886 he has been almost continuously a member of the House of Commons for South Hackney. He was leading counsel for England in the late Behring Sea case at Paris. The official Law Reports for the last twenty years have contained scarcely an important cause in which he is not briefed, on one side or the other, sometimes, as in the Ben d'Or racehorse case, by both. Some of

his great cases were *Pearce v. Foster* (17 Q. B. D., 536); the *Colin-Campbell* divorce suit; the *Maybrick* poisoning case; the *Earl Russel* divorce suit; the *Baccarat* trial; his masterly effort before the *Parnell* Commission; and the *Behring Sea* case.

There is no branch of the law that he has not made peculiarly his own. Is not a specialist, but has a variety of powers. He would be no match for *Sir Horace Davey* on a question of settlements, nor for *Sir Richard Webster* in a patent litigation, nor for *Sir Henry James* in persuasive rhetoric; yet he possesses the gift of carrying his listeners with him, has a wide general knowledge of law, with the ability to convert it into special knowledge at any point and at any moment. While at the bar he was a master of legal tactics, a cogent reasoner, a skilful jury lawyer, the greatest cross-examiner at the English bar, and the pre-eminent European advocate of modern times. His practice amounted to nearly \$150,000 a year. He is tall, strongly built, white-whiskered, chubby-faced, lynx-eyed, and a Catholic in religion, imperious, impetuous and tenacious.

## Success at the Bar.

"There are three perquisites for success at the bar—ready money, good health, and the power to array facts in order of time."—Art. on Huddleston, March, '93, Green Bag.

"Russell is the greatest legal genius of his generation," said the late Lord Bowen.

## Politics and Law.

"It is difficult for a lawyer in great practice to give that time and close attention and study to political questions without which unqualified success cannot be attained, even by the possessor of considerable natural gifts. Coke said, 'Lady Common Law brooketh no bed-fellow;' and so it may be said that to Lady Politics almost exclusive court must be paid."—From article on Lord Coleridge, Sep., 1894, N. A. Review, by Lord Russell.

## Lord Coleridge.

"His judicial career is too recent and too well known to justify me in dwelling upon it at any length. He is undoubtedly entitled to be described as a strong judge; and when the case was sufficiently important to prompt him to take pains, his judgments showed a broad, masterful grasp of the principles of the law elucidated. I do not think he possessed the great synthetical and analytical powers of Sir Alexander



Cockburn at his best, nor the vigorous common sense of Sir William Erle, nor the wide, legal erudition of the late Mr. Justice Willes, nor the intimate knowledge of the various branches of commercial law of the late Lord Bramwell, nor the hard-headed logic of Lord Blackburn (I do not refer to eminent judges still on the bench); nevertheless he cannot be said to have lacked any quality essential in a great judge. Some of his judgments may well take rank with the best of his time, and many of them are marked by an elegance of diction and possess a literary merit not often met with in judicial records. His judgments in the litigation of the Duke of Norfolk, in relation to the Fitzalan Chapel, in the case (commonly known as 'the Mignonette Case') of the seamen Dudley and Stephen (charged with murder in having, under stress of hunger, killed and eaten a boy, one of their crew), and in the remarkable commercial case known as the 'Mogul Boycotting Case,' may be referred to as good examples. His direction to the jury on the trial for blasphemy of Ramsey and Foote in 1883 is regarded as a departure from the law upon that subject as previously laid down by eminent men—a departure, be it added, which has, I think, received the sanction of the profession generally, and a departure in consonance with the freer and more tolerant spirit of the time. That charge, in effect, amounts to this: That it is not a criminal act to attack in decent and considered argument even the fundamental truths of religion as generally received. Lord Coleridge had

influence with juries, and also treated them with great courtesy and consideration. He made it clear what his own view of a case was, while careful to remind jurors that it was their right and duty to determine disputed questions of fact. Herein he acted upon Bacon's celebrated advice (he was a constant reader of Bacon) to Mr. Justice Hutton: 'You should be light to jurors to open their eyes, but not a guide to lead them by their noses.'—From an article by Lord Russell on the late Lord Chief Justice of England, *North American Review* of Sep., 1894.

#### Lord Coleridge's Voice.

"Mr. Coleridge had remarkable gifts of speech. To this he added a distinguished presence, and a voice the beauty of which I have not often known surpassed. Indeed, if I except the voices of perhaps Sir Alexander Cockburn, Mr. Gladstone, the present Sir Robert Peel, and the late Father Burke, of the Dominican order, I shall have exhausted the list of those who may be said to have been his superiors in this respect."—*Idem*.

JOHN RUTLEDGE, SOUTH CAROLINA.  
(1739-1800.)

Second Chief Justice of the United States. "A man of great legal learning and superb organizing genius." Born in Charleston, South Carolina, in 1739. Died there July 23, 1800, aged sixty-one. His father was an Irish physician who emigrated five years before the son's birth. Two of his brothers were distinguished lawyers—Hugh, being a celebrated admiralty and equity judge of South Carolina, and Edward, one of the signers of the Declaration of Independence, Governor of South Carolina, and, had he chosen to accept the appointment, an Associate Justice of the United States Supreme Court. The three brothers studied law at the Temple, London. John having been finely educated in the classics, commenced his legal studies at seventeen, completing them by two years' study in England. Was called to the Charleston bar at twenty-two. His success was immediate. In his first case (a breach of promise of marriage), his eloquence and ability astonished all. His business grew large, and he became a leader at

the bar. He was sent, 1765, to the Congress at New York, where he denounced the Stamp Act; represented the planters in the First Continental Congress at Philadelphia, in which he was pronounced by Patrick Henry, "by far the greatest orator;" was chairman of the committee that framed a constitution for South Carolina, 1776; Governor of the State, 1776-82, in which capacity his genius shone forth as commander-in-chief of the military forces, in resisting the British, being dubbed, "Dictator John;" member of the Federal Constitutional Convention; Chancellor of the Equity Court of his State; declined, 1784, the mission to Holland; appointed one of the first Associate Justices of the United States Supreme Court, 1789, but resigned to take the Chief Justiceship of South Carolina; made Chief Justice by Washington, 1795, and held the office six months, being rejected by the Senate. He was tall and robust; with broad forehead and black, piercing eyes; firm, delicate mouth; powdered hair, combed back and tied behind. He was ardent, impulsive, resolute, thoughtful, earnest and forceful.

### Personal Appearance and Characteristics.

"He was tall, well framed and robust; his forehead broad, his eyes dark and piercing; his mouth indicated firmness and decision; his hair, combed back according to the fashion of the day, was powdered and tied behind. His aspect was resolute, and wore an expression of thought and determination. His feelings were warm and ardent, and he had an impulsive energy, which, however, was controlled by a vigorous common sense. Earnestness was the secret of his power; the supreme element of his character was 'Force.'"—Thos. J. Semmes: *The Supreme Court of the United States*.

### Served in House of Representatives After Being on Supreme Bench.

With the exception of Judge David Davis, John Rutledge is the only case in our history of a man's entering Congress after service on the Supreme bench.

### His Efforts in Behalf of the Constitution.

"In 1787 he was a member of the convention that framed the Federal Constitution, exercising in its deliberations an influence excelled by few, in particular opposing the proposition to prevent the importation of slaves into the States, as virtually excluding the Carolinas and Georgia from the Union, but agreeing to the limit of twenty-one years for such importation."—*Nat'l. Cyclo. of American Biog.*, art. John Rutledge.

**EDWARD GEORGE RYAN, WISCONSIN.**

(1810-1880.)

Six years Chief Justice of Wisconsin. Born at Newcastle House, Ireland, November 13, 1810; died at Madison, Wisconsin, October 19, 1880, aged sixty-nine. He was educated from ten to seventeen at Clongowes Wood College. Studied law when eighteen in Dublin, coming to this country when nineteen, and completed his legal studies in New York city, supporting himself by teaching. Admitted at twenty-six; moved to Chicago, editing and partly owning a daily paper, and holding for a time the prosecuting attorneyship of Cook county. He moved to Racine, Wisconsin, in 1842, and to Milwaukee in 1848, serving in 1870 as city attorney, being twice re-elected. Appointed by the Governor, Chief Justice, June, 1874, which position he held till death. In 1846, he was a member of the constitutional committee, of which he became the leader, at thirty-six years of age. He was counsel for the State in the impeachment trial of Judge Levi Hubbell, before the State Senate, in which his closing argument was a masterpiece of elo-

quence and invective. He represented the prosecution in *State v. Booth*, the celebrated seduction case, of which Robert Toombs, of Georgia, then on a visit to the Upper Lakes, who heard it, said, "My God what a speech, but what a pity it is by an Irishman!" Although not a politician in the latter day acceptance of that term, he was the author of the "Ryan Address," adopted by the Wisconsin Democrats in 1862.

For years before his accession to the bench, he was conceded to be at the head of the bar of his State. A profoundly learned lawyer, a marvelously forcible and powerful writer and orator, naturally social, but too studious and secluded to use the gift, infirm of temper, which prevented his popularity, impatient of contradiction, of unsullied integrity and spotless character. "Died as he lived, 'grand, gloomy and peculiar,' wrapped in the solitude of his own originality," says Judge Jenkins. A ripe scholar of enlarged culture and classic taste, a great university commended his opinions as models of the purity, beauty and strength of the English tongue.

### Taking the Law in One's Own Hands.

"But had that child been a child of mine, this trial would have never happened! There might have been a trial for murder! Had that man even so much as looked his villainy at my child and—by heavens, I would brain him as soon as I would a mad dog, and so would you, and you, and you, and all of you."—To a jury in Milwaukee.

### The Kiss of Lust.

"It was not the kiss of affection. It was not the kiss of friendship. It was not the kiss of kindly greeting. It was the cold, clammy kiss of lust!"—Judge Ryan's response to opposing counsel that Sherman M. Booth's kiss of the girl plaintiff was that of a fatherly affection for her: *State v. Booth*, for criminal conversation.

### Secession Denounced.

"The defeat of the Democratic party in 1860, has been followed by the revolt of several of the States from the Union, and by the present terrible civil war, because it was defeated by a secessional party. We reprobate that revolt as unnecessary, unjustifiable, unholy. Devoted to the Constitution, we invoke the vengeance of God upon all who raise their sacrilegious hands against it, whether wearing the soft glove of peace or the bloody gauntlet of war."—From the Ryan Address.



## Tilt With Judge Orton.

"Judge Ryan began to dictate to Judge Orton of the Wisconsin Supreme bench, and to bulldoze him, as had been his wont with the other judges, when Orton finally rose up and said with an oath that if Judge Ryan did not shut up and mind his own business then and thereafter, he would knock him off his chair. From that time on Judge Ryan let Judge Orton alone."—From ex-Governor Silas Woodson, of St. Joseph, Mo.

## His Standing at the Bar.

"Judge Ryan was in many respects a most remarkable man. For many years before his accession to the bench he was concededly the head of the bar of his State, and had a national reputation as a lawyer of rare learning, force and ability. His command of language, both in speaking and writing, was marvelous. It is to be regretted that but little of his literary or oratorical work has been preserved. The busy life of an active, hard-working lawyer and judge left little time for literary work. But he wrote several lectures, notably, 'Mrs. Jellaby,' 'Faith,' and 'Heresy,' which survive him in manuscript, and his opinions as Chief Justice, the 'Ryan Address,' the published report of the Hubbell and Booth trials, and his address to the law class of the Wisconsin University in 1875, are all models of vigorous, classic English."—Testimony of a member of the Milwaukee bar.

## His Irritability—Carpenter Anecdote.

During the latter part of their careers Carpenter and Ryan formed a partnership for the practice of law in Milwaukee. The former took a young man, who had been with him for years, into the new combination, saying to Ryan that he would never know any law, but that he was indispensable as an appurtenance to the office, and worth a thousand dollars a year; and that he hoped Judge Ryan would bear with him. Carpenter, by the way, was politeness personified, and law and order embodied; Judge Ryan was, on the contrary, when caged briefing a case, or bothered with business, or after losing an important cause, Barnum's menagerie untamed, and left books, papers and everything else strewn around, and did not want a thing touched, but wished to return to his work and find things just as he left them, and when in his sanctum sanctorum would kill his best friend, if he disturbed him. One day Carpenter was called to Beloit to try an important case, and before leaving admonished the young man not to bother Judge Ryan, as he was engaged looking up a complicated case, unless a Mr. B——, living some thirty miles away, called, in which event, to refer the matter to Judge Ryan. But the "willing creature" forgot instructions and surroundings, and after rushing into Judge Ryan's private office four or five times during the forenoon, was finally asked by the old lawyer: "Young man, can you take an important message to Carpenter for me?" "Yes, sir," said the boy, eager

to serve his master. "Well, here is ten dollars; you go and get your dinner and a ticket, and while you're gone I'll write a note for you to take to Carpenter." In a few minutes the young man returned, Ryan handed him the message, and instructed him to give it to Carpenter as soon as he got over there, no matter what he was doing. Arriving at Beloit the bearer of the errand learned at the hotel that Carpenter was at the court house. He hurried over there and found him in the midst of an argument to the jury; but remembering instructions, sidled up to the clerk, who reached over, pulled Carpenter's coat-tail and handed him the missive. The young man in the meantime had hurried back to the depot to catch the only returning train. Carpenter, seeing by the envelope the message was from his office, excused himself to the jury, opened and read: "My Dear Carpenter: Please keep this damned fool out of my office. Yours, Ryan." It so amused the great advocate, who never could resist a good joke, that he read it to the jury, and as may be imagined, there was general hilarity there for a few minutes.

## DAVID SCHENCK, NORTH CAROLINA.

(1835- —)

Born in Lincolnton, North Carolina, March 24, 1835, of Swiss extraction. His ancestors, who were Mennonites, having been banished for religious opinions, came to Lancaster, Pennsylvania, in 1709, and his great grandfather, Michael Schenck, immigrated to North Carolina about 1790. Mr. Schenck was educated at the High School of Silas C. Lindsley, an eminent scholar, studied law with Honorable Haywood C. Guion, and graduated at the Law School of Chief Justice R. M. Pearson, beginning practice in 1857. In 1858 he was solicitor of Gaston county, and in 1860, of Lincoln county. He was the youngest delegate in 1861 to the State convention which passed the ordinance of Secession. Was elected Judge of the Superior Court of North Carolina, in 1874, and rode nearly all the State circuits and gained an enviable reputation as a jurist. At double his judicial salary, he became General Counsel, 1881, of the Richmond and Danville Railroad syndicate, supervising a thousand miles of road.

While in this position he was tendered the Justice-ship of the Supreme Court of the State, but declined it.

As a criminal lawyer, in the early part of his life, he obtained so large a practice that he was obliged to limit it to his physical capacity. His argument in the State Supreme Court on the Constitutionality of the States regulating freight rates, stamped him as a profound thinker and, at once, put him in the front rank of corporation lawyers. His practice in that court has been large and lucrative, and his opinions are received with the greatest consideration. He is also an author, publishing in 1889, "North Carolina—1790-81," a historical volume of five hundred pages, and in 1884, "Railroad Law in North Carolina," the edition being quickly exhausted. He is now consulting counsel of the Richmond and Danville Railroad system, and president of the "Guilford Battle Ground Company." In 1878 the University of North Carolina conferred upon him the degree of LL. D., and various historical societies in the Union have elected him as honorary member. In church relations he is an ardent Episcopalian, and devout in his duties as a Christian and churchman.

LORD SELBORNE (SIR ROUNDELL PALMER),  
ENGLAND.

(1812 —.)

The greatest code reformer of England. The Right Honorable Roundell Palmer, Doctor of Civil Law, Privy Councillor. He is the second son of the Rev. William Palmer, rector of Mixbury, England, where the son was born November 27, 1812. He was educated at Rugby, Winchester and at Trinity College, Oxford, graduating at twenty-two with first class honors, gaining the Chancellor's prize for Latin verse, the Newdigate prize for English verse, and the Ireland scholarship. He was elected to fellowship in the Magdalen College, the year of his graduation, and obtained the Eldon Law Scholarship. He was made Master of Arts and admitted to the bar in 1837. Represented Plymouth in Parliament in 1847, made Queen's Counsel in 1849, Solicitor General in 1861, under Lord Palmerston, and Attorney General in 1863. He refused the Chancellorship under Gladstone in 1868, because of some differences upon Irish church questions; represented the government in the Alabama Claims in 1871, and was made Chan-

cellor in 1872—the Irish question being settled—and this without ever having held a judicial position. He brought forward and carried through in 1873 the Judicature Act, by which Great Britain adopted the code procedure and abandoned its old system of a thousand years. He was awarded by the American Bar Association during one of its recent sessions a gold medal for eminent services in the cause of legal reform. He went out of office in 1874, but was re-appointed Chancellor in 1880.

He does not possess the versatility and genius for law possessed by Cairns or Bethell, but he was left out of no big case in Lincoln's Inn, or any important appeal to the House of Lords. He gained a solid reputation as a judge. His decision in *Morris v. the Earl of Aylesford*, being the leading case on catching bargains with heirs and reversioners. He is painstaking, exhaustive, industrious, solid and highly religious. He edited in 1862 "The Book of Praise, From the Best English Hymn Writers," and in 1878, "Liturgical History of the Reformed English Church." He has the highest reputation for all the domestic virtues, having for his motto, Palma virtuti (the palm to virtue).

## THOMAS J. SEMMES, LOUISIANA.

(1824 —.)

One of the leading living lawyers of the South. Born in Georgetown, D. C., December 16, 1824, of an old Maryland Catholic family; graduated at Georgetown College at eighteen, and at Harvard Law School under Story and Greenleaf at twenty-one; practiced in Washington till 1851; member of the Louisiana Legislature, 1855-8, serving two years as chairman of the judiciary committee; appointed by Buchanan United States Attorney for Louisiana, 1858; Attorney General of his State, 1859-61; elected to Confederate senate, 1861, serving on the committee of fifteen, which prepared the ordinance of secession. His property was confiscated, while in service, by the United States. He returned to New Orleans, 1865; was a member of the constitutional convention of 1879; Professor of Civil Law in the University of Louisiana for several years, resigning, 1882, but in 1890 accepted the chair of Common, Equity and Constitutional Law in Tulane University of Louisiana, and still occupies that position. He was President of the



American Bar Association, 1886, and delivered an address before the World's Fair Law Congress, 1893.

To give a list of his leading cases would be to write the judicial history of Louisiana, not only in its own courts, but those in the United States courts. Among others are, the Gas, Water-works, Slaughter House, Lottery, City Railroad and State bond cases; the celebrated Gaines litigation; the contest of Louisiana in settlement of the Saloy estate, and in numerous cases involving the validity of different bonds issued by the City of New Orleans.

As a practitioner, he easily stands at the head of the Louisiana bar. In argument he is quiet, with pleasing voice of almost uniform pitch, and of calm and dignified demeanor. His command of language is surpassed only by his gift of ideas. It has been said that if every lawyer of the State were to give his views on the simplest proposition of law, Mr. Semmes could still say something new on the subject. To young lawyers he is a guide, a counselor and a friend. His knowledge of the civil law is unsurpassed, and as a chancery pleader he is equally effective.

## JOHN SERGEANT, PENNSYLVANIA.

(1779-1852.)

For more than half a century one of the most honorable and learned members of his profession, and its acknowledged leader in Philadelphia. Born in Philadelphia, December 5, 1779; died there November 23, 1852, aged seventy-two. His father, Jonathan Dickinson Sergeant, was an eminent lawyer and a delegate to the Continental Congress. The son graduated at Princeton when sixteen, had a brief mercantile experience, studied law, together with Horace Binney, in the office of Jared Ingersoll, and was admitted at twenty. Two years later Jefferson appointed him Commissioner in Bankruptcy. He served several terms in the Legislature, and entered Congress in 1815, where he was active in securing the passage of the Missouri Compromise. In 1826 he was appointed one of two envoys to the abortive Panama Congress, and in 1830 was president of the State constitutional convention. He put forth a volume of "Select Speeches" in 1832, and the same year shared Clay's defeat, being a candidate with him for the Vice

Presidency. In 1841 he declined a mission to England, and after his great argument in the Girard will case, President Tyler offered a Supreme Court Justiceship, first to Sergeant and then to Binney. Each declined it, alleging he was over sixty, and requested that the place be offered to the other; but each wished the fact of his having been offered the position and his reason for declining it to be kept a secret. It was finally given to Mr. Justice Grier. Sergeant appeared with Wirt in the Cherokee Nation case to restrain the State of Georgia from forcing them to the Indian Territory, in violation of treaty stipulations. Mr. Sergeant's last public act was as arbitrator in a controversy between the Government and the State of New Jersey.

Says Horace Binney: "He stood pre-eminent in criminal law, and on more than one occasion rose to the highest degree of excellence in the class of Constitutional questions." He was quick in thought, great in grasp, skilful in argument and logical in conclusions.

## Horace Binney on Sergeant.

"The range of Mr. Sergeant's mind was just as wide as the whole circle of his professional necessities. He knew the bearings of every part of the law, although he had not penetrated into every nook and corner of it. But he could draw his resources from every part with equal ease, when it was necessary. And it was often a matter of doubt in my own mind with what branch of the law he was most conversant. He had acquired an early training in criminal law, and in that he not only went before his contemporaries, but he stood on one side of them, walking a different line. He was, of course, generally accomplished. But if he had any predilection—and I think he had—the discursiveness of his mind inclined him to such questions as would not fetter him by the claims of authority, but would suffer him to choose for himself the path in which his own powers could work freely. Upon more than one occasion he rose to the highest degree of excellence in the class of Constitutional questions. They were best suited to him. But he worked with ease and vigor in many fields."—Horace Binney's remarks to the bar of Philadelphia, November, 1852.

## GEORGE SHARSWOOD, PENNSYLVANIA.

(1810-1883.)

Has the reputation of being one of the most eminent jurists that ever sat on the bench in Pennsylvania. Born in Philadelphia, July 7, 1810, and died there May 28, 1883, aged seventy-two. The son's early education devolved upon his mother and grandfather, his father having died before his birth. He graduated at the University of Pennsylvania at twenty, with first honors of his class. Studied law under Joseph R. Ingersoll, and was admitted at twenty-three. His professional progress was slow, but he devoted himself to study. Was four years a member of the Legislature, and commissioned at thirty-five, by the Governor, District Judge of Philadelphia, where he sat for twenty-two years, writing upwards of five thousand opinions. In 1867 he was elected to the State Supreme Court, and in 1878 became Chief Justice, retiring from the bench in 1882. Though of the minority party, there was but one opinion among lawyers as to who should occupy this position. His decisions while fifteen years a Supreme Judge are

reported in volumes 57 to 102, Pennsylvania State Reports, and, though technical, are based on common sense and take first rank. He said: "The difficulty is not so much to know the law, as it is to know where to find it." In 1850 he revived the law department of the University of Pennsylvania, and occupied the position of senior professor there till his resignation in 1867. It is largely owing to his efforts and erudition that this school has been raised to its present position. He is the author of "Professional Ethics," which, "for grave, pure and mild wisdom," says the Albany Law Journal, "is not surpassed by any words ever addressed to the profession." His "Popular Lectures on the Common Law" attracted wide attention, and his "Blackstone's Commentaries" have made his name familiar for a generation. He is also the author of editions of several English text-writers.

His private life was gentle and pure. He was wedded to the law, and loved the work. No man could have studied it more closely. As a judge he was urbane, popular, kind and impartial.

### The Common Law a River.

"The common law is not a straight canal cut by the art of civil engineers, but a mighty river, its head lost in the sands of antiquity, which has sought and made its own channel, and that the most natural and best, though occasionally requiring to be improved by legislative dams and embankments."—Introduction to Blackstone.

### Read Biographies of Eminent Lawyers.

"It is well to read carefully and frequently the biographies of eminent lawyers. It is good to rise from the perusal of the studies and labors, the trials and conflicts, the difficulties and triumphs, of such men, in the actual battle of life, with a secret feeling of dissatisfaction with ourselves. Such a sadness in the bosom of a young student is like the tears of Thucydides, when he heard Heroditus read his history of the Olympic Games, and received the plaudits of assembled Greece. It is the natural prelude to severer self-denial, to more assiduous study, to more self-sustaining confidence."—Professional Ethics.

### Legal Ethics.

"No lawyer of good conscience should express to court or jury his belief in the justice of his client's cause contrary to the fact."—Legal Ethics.

### Law-Reading Exclusively—Its Tendency.

"There is great danger that law-reading, pursued to the exclusion of everything else, will cramp

and dwarf the mind, shackle it by the technicalities with which it has become familiar, disable it from taking large and comprehensive views."—Idem.

### The Conventional, Musty Lawyer.

"The lawyer's commonplaces are quaint and professional; they occur to him first in Latin. He measures all sciences out of his proper line of study (and with these he is scantily acquainted) by the rules of law. He thinks a steam engine should be worked with due diligence and without laches; a thing likely to happen he considers as a potentia remotissima; and what is not yet in existence, or in esse, as what he would say is in nubibus. He prefers books bound in plain calf. He garners up his papers with a wonderful appearance of care, ties them in bundles with red tape, and usually has great difficulty when he wants to find them."

### Morality in Law.

"There is perhaps no profession, after that of the sacred ministry, in which a high-toned morality is more imperatively necessary than that of the law. \* \* \* High moral principle is the lawyer's only safe guide; the only torch to light his way amidst darkness and obstruction. It is like the spear of the guardian of Paradise.

"'No falsehood can endure  
Touch of celestial temper, but returns  
Of force to its own likeness.'"

—Extract from Professional Ethics.



## LEMUEL SHAW, MASSACHUSETTS.

(1781-1861.)

Thirty years Chief Justice of Massachusetts. Born January 9, 1781, at Barnstable, Massachusetts; died in Boston, March 30, 1861, aged eighty. He graduated at Harvard in 1800, studied law under David Everett, was admitted in 1804, and settled in Boston, where, after twenty-six years' practice, he rose to eminence. He was a member of both houses of the Legislature from 1811 to 1830, at various times, and of the convention for revising the State laws in 1820. Governor Lincoln appointed him Chief Justice of the Supreme Court of Massachusetts in 1830, which position he graced and adorned for thirty years. Daniel Webster, who urged the appointment, said he had laid the people of Massachusetts under lasting obligations to him by inducing the appointment. He was twenty-two years overseer of Harvard, from which he received the degree of LL.D. in 1831.

As a jurist, he was thorough, comprehensive and accurate; as an advocate, earnest, strong and tenacious. Before his accession to the bench, a \$3,000

position, he had a practice of nearly \$20,000 a year. He united learning and common sense in a degree seldom found in one man, so that the law became with him the perfection of human reason. He adapted old rules to new conditions, and is undoubtedly the greatest common law judge New England ever produced, and it is doubtful whether America has produced a greater, if we except Marshall. He had a patient ear, yet he was firm—no lawyer, however audacious, presuming to trench on the dignity of his court. He held the scales of justice with an even hand. His charges to a jury were simple and clear, yet covered the question in controversy. His character and integrity were unquestioned. In his opinions (10 Pick. to 15 Gray, 55 volumes), by which he is known wherever the common law prevails, he has left, in the words of Horace, "A monument more enduring than brass." Says Judge Bigelow: "No subject was so great as to be beyond the reach of his comprehensive grasp; no distinction so minute as to elude his discriminating observation."

### Law Must Be Practiced.

"Law is an art as well as a science. Whilst it has its foundation in a broad and comprehensive morality, and in profound and exact science, to be adapted to actual use, in controlling and regulating the concerns of social life, it must have its artistic skill, which can only be acquired by habitual practice in courts of justice. A man may be a laborious student, have an inquiring and discriminating mind, and have all the advantage which a library of the best books can afford, and yet without attendance on courts and the means and facilities which practice affords, he would be little prepared, either to try questions of fact or argue questions of law."

### Butler's Otter Overcoat and Judge Shaw.

One morning Benjamin F. Butler went into the consultation room of Judge Shaw, dressed in a long, black otter-skin overcoat. Judge Shaw looked at him with a quizzical smile, and said: "How is it, Mr. Butler? What are those lines in Pope? Aren't they something like this: 'The fur that warmed a monarch warms a bear?'"—Butler's Book, p. 1001.

### Teaching Butler's Dog How to Growl.

At another time Butler was taking a big mastiff from Lowell to Boston. Some one asked Butler where he was going with his dog. He replied down to the Supreme Court. He was then asked what he

was taking the dog down there for. "Oh," said he, "to show him to the Chief Justice, so as to teach him to growl."—Butler's Book, p. 1002.

### Webster Induced Him to Take the Chief Justiceship.

"Webster urged Governor Lincoln to appoint Mr. Shaw to fill the vacancy on the Massachusetts Supreme bench, and Governor Lincoln consulted him about it. Judge Shaw then had a very large practice, yielding him \$15,000 or \$20,000 a year. Webster said to Governor Lincoln: 'Appoint Lemuel Shaw by all means.' 'But he won't take it,' said the Governor. 'We must make him take it,' said Webster. Webster then approached Mr. Shaw upon the subject. He was almost offended at the suggestion. 'Do you suppose,' said he, 'that I am going, at my time of life, to take an office that has so much responsibility attached to it for the paltry sum of \$3,000 a year?' 'You have some property,' replied Webster, 'and can afford it.' 'I shall not take it under any circumstances,' was his answer. Said Webster, 'I used every argument I could think of. I plied him in every possible way, and had interview after interview with him. He smoked and smoked, and as I entreated, and begged, and expostulated, the smoke would come thicker and faster. Sometimes he would make a cloud of smoke so thick that I could not see him. He would groan and smoke. I guess he smoked a thousand cigars while he was settling the point.  
\* \* \* Although he accepted the office with the

greatest reluctance, he has filled it with unsurpassed ability; and to-day there is not in the world a more upright, conscientious and able judge than Chief Justice Shaw. He is an honor to the ermine. For that, I repeat, the people of Massachusetts owe me a debt of gratitude, if for nothing else.'"—Harvey's Reminiscences, p. 127.

### Shaw's Great Understanding of the Grounds of Public Policy.

"The strength of Chief Justice Shaw lay in an accurate appreciation of the requirements of the community whose officer he was. Some, indeed many, English judges could be named who have surpassed him in accurate technical knowledge, but few have lived who were his equals in their understanding of the grounds of public policy to which all laws must ultimately be referred. It was this which made him, in the language of the late Judge Curtis, 'the greatest magistrate which this country has produced.'"—O. W. Holmes, Jr., "The Common Law," p. 106.

### Hillard's Figure of a Bear.

Along in the fifties an effort was made by opponents of Judge Shaw, headed by Benjamin F. Butler, to oust the judge from his position on the Supreme bench of Massachusetts, by altering the constitution. During the speeches, George S. Hillard made use of the following significant language in

opposition to the scheme: "As long as we have jackalls at the bar who import their morals from the State's prison and their manners from Bear's Garden, we must have a lion on the bench, able and willing, with the first stroke of his paw, to draw their scalps over their eyes."

Don't Let Choate Get Hold of the New Dictionary.

When Judge Shaw, before whom Rufus Choate had often pleaded, heard that there was a new edition of "Worcester's Dictionary," containing twenty-five hundred new words, he exclaimed, "For heaven's sake, don't let Choate get hold of it."

Dog for a Juryman—Shaw and Choate.

Judge Shaw remarked to Choate, a dog having jumped into an empty chair, while they were waiting for the absent juryman to return who had vacated it: "The panel is full, Mr. Choate, proceed with your argument." Choate, who had not noticed the situation, rose and turned to address the jury, and instantly noticed that he was being made the victim of a joke, but he immediately retorted: "Yes, he (pointing to the dog) might do for a judge, but I hardly dare trust him for a juror."

Ugly but Great.

"In coming into the presence of your honor, I experience the same feelings the Hindoo does when he bows before his idol—I know that you are ugly, but I feel that you are great."—Said by Rufus Choate to Judge Shaw.

## SAMUEL SHELLABARGER, DISTRICT OF COLUMBIA.

(1817 —.)

Celebrated as a lawyer for nearly fifty years. Born in Clark county, Ohio, December 10, 1817. He is of English and Irish descent; was educated in the common schools, the seminary and Miami University, whence he graduated at twenty-four, and which conferred upon him the degree of LL. D. fifty years later. He read law with Samuel Mason, of Springfield, Ohio, and was admitted there in 1846. He was a member of the first Legislature of Ohio, that met in 1851, under the present constitution. Elected to Congress in 1860, he was a member of the Thirty-seventh, Thirty-ninth, Fortieth and Forty-second Congresses. President Grant appointed him Minister to Portugal in 1869, and in 1874-5 he was one of the Civil Service Commission.

In the Thirty-seventh Congress he made a speech which attracted wide attention on the lawfulness of the suspension of the writ of habeas corpus by Mr. Lincoln, in the absence of Congressional authority. In

the Thirty-ninth Congress he made his famous argument in support of the measure of reconstruction then under discussion, of which Mr. Blaine says: "For closeness, consistency and strength it has rarely, if ever, been surpassed. Other speeches have gained greater celebrity, but it may well be doubted whether any speech in the House of Representatives ever made a more enduring impression, or exerted greater convincing power upon the minds of those to whom it was addressed." In the Forty-second Congress he essentially drew up, reported to the House and managed on the floor, the "Kuklux Bill," which, after most protracted debate, was triumphantly passed.

Since 1875 he has been actively engaged in the practice of law, and, although in his seventy-eighth year, is vigorous and healthy. His partner is Jeremiah Wilson, one of the leading lawyers of the District. His career as a lawyer has been long, able and lucrative, many important causes owing their successful termination to his guiding hand. He was of counsel in the Star Route defense, and represented Hayes in his contest for the Presidency. He is a man severely plain, greatly resembling Abraham Lincoln.



## Chief Justice Holt.

"Soon after Coke, came one who fills, by reason of his mere judicial character and work, the largest space in the history of the English law that is occupied by any of England's illustrious judges. He is one who gave to England a new and a real civilization. This was Chief Justice Holt. Of him it is truly said that he gave splendor to all the after-coming luminaries of the English bench, and that he is the model of which, in England, great judicial character has been formed for the last and best two hundred years of English history."—Remarks of Mr. Shellabarger in United States Supreme Court upon the death of Chief Justice Waite, 1888.

## The Judiciary of a Country.

"The character of a judiciary of a country is so obviously the reflection of the character of its civilization, that we utter mere truisms when we say that the greatness of every State is measured by the learning and the purity of its judiciary; and that the happiness, the liberty and the virtue of every people are best studied in its courts. In these sanctuaries of the law it is that, even in decaying states, liberty and order take their last refuge, and here die."—Idem.





**GEORGE SHIRAS, JR.,**

Associate Justice of the United States Supreme Court

From a Photograph by Bell, Washington, D C

GEORGE SHIRAS, JR., PENNSYLVANIA.  
(1832 —.)

Associate Justice of the United States Supreme Court since October 10, 1892, by appointment of President Harrison, to succeed Mr. Justice Bradley. He was born in Pittsburg, Pennsylvania, January 26, 1832. Is descended from Puritan stock, received an excellent common school education, prepared for college at the Ohio University, and graduated at Yale in the famous class of 1853, with Theodore Bacon of the New York bar, Hon. Andrew D. White, ex-Senator R. E. Gibson, of Louisiana, Wayne MacVeagh, ex-Governor Robinson, of Connecticut, E. C. Stedman, the poet, and George W. Smaalley, the English correspondent. Mr. Shiras was admitted in 1856 and settled in Dubuque, Iowa, but returned in a year, and formed a partnership with Hopewell Hepburn, which lasted until the latter's death, in 1860. Yale conferred upon Mr. Shiras the degree of LL.D., in 1883.

He has decided sixty-five cases in the Supreme Court, among which are seven vigorous dissents (146-

154 U. S.), notably the Illinois Central Railroad case, 146 U. S. 387, in which Justices Gray and Brown concur. The first case he decided (*Morley v. L. S. &c. Ry.*, 146 U. S. 163) was heard four days after he took his seat, and was dissented from by Justices Harlan, Field and Brewer; in his third (*Hallinger v. Davis*, 146 U. S. 314), Justice Harlan disagrees with the reasoning; in his fourth (*Lewis v. U. S.* 370), Justices Brewer and Brown dissent. But he has a mind of his own. He speedily became a leader of the Allegheny bar. From 1867 to 1892 he tried the most important cases arising in Western Pennsylvania. As a lawyer he was able, learned, quick, strong, courteous, and self-possessed. None surpassed him in profound legal learning or in the ready application of familiar legal principles to the complicated relations that characterize our large commercial interests. Nothing could induce him to hold political office. He has also been a life-long student of literature and science. He is nearly six feet tall. Is agreeable, courteous, dignified and amiable.

## The Collar Button Joke.

"On a recent occasion an advocate was arguing a patent case before the United States Supreme Court. He claimed an infringement of rights in the manufacture of a new style of collar button. Incidentally he spoke at length and with enthusiasm of the varied merits of the invention. Justice Shiras, who is the humorist of the Supreme Bench, interrupted his glib discourse by saying: 'I wish to ask if among the numerous admirable qualities of this collar button, one of particular and indispensable importance is embraced. In a word, if it falls and rolls under the bureau, can it be found again?' The query was put with the utmost apparent gravity, and it staggered the lawyer completely, so that, after adding a few hesitating remarks, he closed his argument. Justices Harlan and Brown were convulsed, as both had lost a collar button that morning."—Washington Star.

## EDWIN McMASTERS STANTON, OHIO.

(1814-1869).

"The stay of Lincoln, the hope of the country, the terror to dishonesty." Born in Steubenville, Ohio, December 19, 1814, died in Washington, D. C., December 24, 1869, aged fifty-five. His father, a physician, died when he was a child. Entered Kenyon College at seventeen, but left at nineteen to study law. Admitted at twenty-two, settled in Cadiz, and a year later became Prosecuting Attorney of Harrison county. In 1842-5 he was Supreme Court Reporter, preparing volumes 11, 12 and 13 of the Ohio reports. Moved to Pittsburg, Pennsylvania, 1848, and in 1857 to Washington, on account of his large Federal practice. Upon the advice of Jeremiah S. Black he was made United States Attorney General by Buchanan, whose Cabinet he startled by advising: "The course proposed by Thompson of the Navy, if followed, is treason, and will involve all concerned." Lincoln made him Secretary of War, though a Democrat. President Grant named him, December 20, 1869, an Associate Justice of the United States Supreme Court, and,

though immediately confirmed, he died four days later.

Among his notable suits were the California Government land cases, 1857-8, the first Erie railway litigation, the Wheeling Bridge case, the Manney and McCormick Reaper contest, the Pennsylvania Railroad v. Canal Commissioners, and the successful defense of Daniel E. Sickles for the murder of Philip Barton Key, in which Mr. Stanton's discussion of the law of adultery was masterful, and, perhaps, the most powerful ever attempted upon the subject. He not only shines as the ablest war minister of the United States, but a brilliant, powerful and profound lawyer as well, and, though rather too intense, possessed the qualities of a great judge. Was of ripe learning, wide research and varied experience, joined with large capacity and great brain force.

He was thick-set, about five feet eight in height; hair and beard very dark; head slightly thrown back; round, solid face, with blunt features; prompt and practical address; and full, distinct, unmusical voice. He was honest—absolute rectitude being an iron rule—patriotic, brusque, quick-tempered, stern, energetic, impetuous, inflexible.



## Adultery.

"When a man has obtained such a power over another man's wife that he can not only entice her from her husband's house, but separate her from her child, for the purpose of guilt, it shows that by some means he has acquired such an unholy mastery over that woman's body and soul that there is no chance of saving her while he lives, and the only hope of her salvation is that God's swift vengeance shall overtake him. The sacred glow of well-placed domestic affection, no man knows better than your honor, grows brighter and brighter as years advance, and the faithful couple whose hands were joined in holy wedlock in the morning of youth find their hearts drawn closer to each other as they descend the hill of life to sleep together at its foot; but lawless love is short-lived as it is criminal, and the neighbor's wife so hotly pursued, by trampling down every human feeling and divine law, is speedily supplanted by the object of some fresher lust, and then the wretched victim is sure to be soon cast off into common prostitution, and swept through a miserable life and a horrible death to the gates of hell, unless a husband's arm shall save her. Who, seeing this thing, would not exclaim to the unhappy husband: 'Hasten, hasten, hasten to save the mother of your child. Although she be lost as a wife, rescue her from the horrid adulterer; and may the Lord, who watches over the home and the family, guide the bullet and direct the stroke!'"—Extract from argument to the court upon the law in defense

of Daniel E. Sickles for the murder of Philip Barton Key, Washington, D. C., 1859.

### The Agony of a Cuckold.

"What agony is equal to his who knows not whether the children gathered around his board are his own offspring or an adulterous brood, hatched in his bed."—*Idem*.

### God Is on Our Side.

"Surely God is on our side, for we have done what we could to ruin ourselves, and we have failed to do it."—Said by Stanton after the fight with President Johnson.

### Sumner's Famous Letter to Stanton.

"Stick, C. S." (Charles Sumner), Mr. Sumner wrote Stanton from the Senate when President Johnson was trying to remove him from the office of Secretary of War. This letter, after Mr. Sumner's death, sold for a large sum in New York city.

### Stanton's Tenderness.

"Stanton was as tender as a woman—he was as tender as a lover. I had great admiration for him. Being told by a friend just from Washington in 1865 that Stanton was breaking down, I walked into a Wall street office and wrote to him just what I had heard—that he was sick and broken down and desponding; that he need not despond, that the coun-

try was saved, and that if he did not do another thing he had done enough. I sent the letter, and in the course of a few days I got back a letter, and if it had been a woman writing in answer to a proposal it would not have been more tender. And when I went to Washington he treated me with great tenderness, as if I had been his son. He evidently got rest from his great cares through literature; but Lincoln, from the humorists. I understood them both perfectly.”—Henry Ward Beecher, “Reminiscences of Abraham Lincoln,” p. 252.

#### Cried When Lincoln Died.

“When told at the bedside of the dying Lincoln, by Surgeon General Barnes that the President could not live till morning, Stanton exclaimed: ‘Oh, no, General; no—no;’ and with an impulse, natural as it was unaffected, sat down and wept like a child.”—“Our First Century,” p. 891.

#### His Stand for the Union.

“Mr. President, it is my duty, as your legal adviser, to say that you have no right to give up the property of the Government, or abandon the soldiers of the United States to its enemies; and the course proposed by the Secretary of the Interior (Thompson, of Mississippi), if followed, is treason, and will involve you and all concerned.”—The first advice given by Mr. Stanton upon his induction into the office of Attorney General, made vacant by the retirement of

Jeremiah S. Black. Mr. Floyd, Secretary of War, of Virginia, and Mr. Thompson, who were said to have had everything their own way, sprang fiercely to their feet at the decisive action on the part of Mr. Stanton.

### Blaine's Eulogy.

"Persecution and obloquy have followed him into the grave, but an impartial verdict must be that he was inspired with the devotion of a martyr, and that he wore his life out in a service of priceless value to all the generations of his countrymen."—2 Blaine's Twenty Years of Congress, p. 564.

### Bantering With Judge B. R. Curtis.

"It is said that Stanton, after he was out of office, stepped up to Judge B. R. Curtis, who had opposed Lincoln's Emancipation Proclamation and suspension of the writ of habeas corpus, extended his hand and said: 'Judge, now that I have ceased imprisoning my fellow-citizens without due process of law, will you shake hands with me?' Curtis did not like bantering on such a subject, but shook hands with him."—Life and Writings of B. R. Curtis, Vol. 1, p. 366.

### Lincoln Would Not Accept His Resignation.

"On the first news of the surrender of Lee, Secretary Stanton placed his resignation in the hands of Mr. Lincoln. This resignation the personal appeal of

his chief, declaring to him, with his arms about his neck, 'Stanton it is not for you to say when you will no longer be needed here,' had forced him to recall." —Henry L. Dawes, "Recollections of Stanton under Johnson," October, 1894, *Atlantic Monthly*.

### Lincoln's Reliance Upon Stanton.

President Lincoln acknowledged that it was his habit never to take an important step without consulting Mr. Stanton.

### Stanton Dictated the Terms of Peace in 1865.

"Just before Lincoln's inauguration, March 3rd, 1865, a dispatch arrived from Grant, suggesting that he be permitted to make terms with Lee, who had asked for an interview to negotiate peace. Mr. Lincoln was greatly inclined to permit his General-in-Chief to effect this negotiation. Stanton, who was present, and who had kept silence while the discussion was going on, at length spoke out sternly: 'Mr. President, to-morrow is inauguration day. If you are not to be the President of an obedient and united people you had better not be inaugurated. Your work is already done, if any other authority than yours is for one moment to be recognized, or any terms made that do not signify that you are the supreme head of the Nation. If generals in the field are to negotiate peace, or any other chief magistrate is to be acknowledged on this continent, then you are not needed, and you had better not take the oath of office.' 'Stanton,

you are right,' said the President, his whole tone changing, 'let me have a pen.' And Mr. Lincoln at once wrote as follows to General Grant for the Secretary of War to sign: "The President directs me to say to you that he wishes you to have no conference with General Lee unless it be for the capitulation of Lee's army, or some minor or purely military matter. He instructs me to say that you are not to decide, discuss, or confer upon any political question. Such questions the President holds in his own hands, and will submit them to no military conference or convention. In the meantime you are to press to the utmost your military advantages.'"—2 Nat'l Cyclo. of American Biography, p. 84, art. Stanton.

"Lincoln Is a D——d Fool" Incident.

"A committee of Western men, headed by Mr. Lovejoy, procured from President Lincoln an important order looking to the exchange of Eastern and Western soldiers, with a view to more effective work. Repairing to the office of the Secretary, Mr. Lovejoy explained the scheme, as he had done before to the President, but he was met by a flat refusal.

"'But we have the President's order, sir,' said Lovejoy.

"'Did Lincoln give you an order of that kind?' said Stanton.

"'He did, sir.'

"'Then he is a d——d fool,' said the irate Secretary.

" 'Do you mean to say the President is a d——d fool?' asked Lovejoy, in amazement.

" 'Yes, sir, if he gave you such an order as that.'

"The bewildered Congressman from Illinois betook himself at once to the President, and related the result of his conference.

" 'Did Stanton say I was a d——d fool?' asked Lincoln, at the close of the recital.

" 'He did sir; and repeated it.'

"After a moment's pause, and looking up, the President said: 'If he said I was a d——d fool, then I must be one, for he is nearly always right, and generally says what he means. I will step over and see him.'"—George B. Julian in *Reminiscences of Abraham Lincoln*, p. 56.

Called Lincoln "a Low, Cunning Clown."

"Stanton, before Lincoln was elected President, indulged in tirades against him, saying on one occasion, he 'had met him at the bar and found him a low, cunning clown.'"—Benjamin Perley Poore, *Reminiscences of Lincoln*, p. 223.

Lincoln on Stanton's Impulsiveness.

"The gentlemen proceeding to discuss Mr. Stanton's impulsiveness, Mr. Lincoln said: 'Well, we may have to treat him as they are sometimes obliged to treat a Methodist minister I know of out West. He gets wrought up to so high a pitch of excitement in his prayers and exhortations that they are obliged

to put bricks into his pockets to keep him down. We may be obliged to serve Stanton the same way, but I guess we'll let him jump awhile first.'—J. G. Holland's *Life of Lincoln*, p. 357.

### The Debt This Country Owes Stanton.

"In 1862 the country was in peril from which it could only be extricated by a Secretary of War with the fierce determination and patriotism of Edwin M. Stanton. Mr. Lincoln knew his man, and while members of his Cabinet were hesitating, doubting, fearing, he made Mr. Stanton Secretary of War, and Mr. Stanton made himself the greatest war minister of the century. The country is beginning to find out, and another generation which is able to read history without prejudice, will know how great a debt the country owes to Edwin M. Stanton."—L. E. Chittenden, June, 1894, *Green Bag*, p. 268.

### Appeared as Colleague With Lincoln in a Lawsuit.

"Mr. Lincoln, Mr. Stanton and George Harding were associated as counsel in a celebrated reaper patent case (*McCormick v. Manney*, 6 McLean, 539), which was tried in Cincinnati before the United States Circuit Court, though they had not met prior to the trial. It is related, on the one hand, that Lincoln was senior counsel, and that when the hearing came on, Stanton, undervaluing Lincoln's character and ability, with unprofessional assurance, grasped the role of making the arguments on the law points,



to which, as junior counsel, he had no claim under the custom of the bar; that as the court would hear only two lawyers on a side, and as the review of the mechanical questions were specially confided to Mr. Harding, this arrangement deprived Mr. Lincoln, and to his disappointment, of the opportunity of speaking before a prominent court and a new and distinguished auditory. On the other hand, we are distinctly informed by one of the clients in that suit that Mr. Lincoln was the junior counsel, and Mr. Stanton and Mr. Harding had made so much longer and more elaborate preparation that the clients themselves determined their selection to make the arguments; that, therefore, Mr. Lincoln's displacement arose from no unfairness of any one, but simply from the fact that the court had limited the number of speeches."—Niccolay and Hay's *Life of Lincoln*, Vol. 5, p. 133-4.

[Mr. Lamon, in his *Life of Lincoln* (p. 322) and Herndon, in his *Life of Lincoln* (p. 355), both sustain the former theory. The former was a fellow-member of the bar where Lincoln practiced, and the latter his partner for many years. Mr. Herndon also says that upon this occasion Mr. Stanton described Lincoln as a "long, lank creature from Illinois, wearing a dirty linen duster of a coat, on the back of which the perspiration had splotted wide stains that resembled a map of the continent."]

[L. E. Chittenden, in the June, 1894, *Green Bag*, relates that the case was appealed to the United

States Supreme Court, and that both Stanton and Lincoln prepared briefs, and when Stanton read Lincoln's brief he tore his up and insisted upon Lincoln's arguing the case in that court, which he did, and won a great victory.]

### Characteristics.

"He was a man of indomitable energy, devoted loyalty, and thorough honesty. Contractors could not manipulate him, and traitors could not deceive him. Impulsive, perhaps, but true; willful, it is possible, but placable; impatient, but persistent and efficient."—Holland's *Life of Lincoln*, p. 356.

"Haven't Much Influence With This Administration"

—Lincoln and Stanton.

A quartermaster of a Massachusetts regiment had been caught gambling in one of the dens of Washington with the Government's money, and had been sentenced to five years' imprisonment in the Albany penitentiary. Senator Dawes received a numerously signed petition to the President, indorsed by a leading physician of his own town, asking for his pardon on the ground of failing health, and saying a speedy death awaited him unless released. Dawes went to Lincoln, who, upon carefully reading it, turned to Dawes and said: "Do you believe that statement?" "Certainly I do, Mr. President, or I should not have brought it to you." "Please say so here on the back

of it under these doctors." Dawes did so, and Lincoln remarked, "We can't permit that man to die in prison after that statement," and immediately wrote under it all, "Let this man be discharged. A. L." He handed the paper to Dawes and told him to take it to Stanton, but saw at once something in Dawes' looks which led him to believe the latter gentleman had already encountered some rough weather in that quarter. He took back the paper, and, smiling, remarked that he was going over there pretty soon and would take it himself. The next day Dawes met, on going to the House, two Michigan Representatives, of whom he inquired what they had been doing at the White House. They said they went there to get a poor Michigan soldier pardoned, sentenced to be shot for desertion, but that they could not do anything with the President. They said the President told them that he had gone to Stanton to get a man pardoned from the penitentiary, but Stanton wouldn't discharge him. "And he told me," said the President, "that it was a sham, and Dawes had got me to pardon the biggest rascal in the army, and that I had made gambling with the public funds perfectly safe. I couldn't get him to let the man off. The truth is, I have been doing so much of this thing lately that I have lost all influence with this administration and have got to stop." Dawes immediately went to the White House, hair on end, was greeted by the President in the mildest manner, and with a look betokening a knowledge of the Senator's errand. Lincoln's

face was always a title-page. The pardon had not gone out, and Mr. Dawes insisted upon its being sent by a messenger to Albany, who should find out the truth or falsity of Stanton's statement, and at his (Dawes) expense, if imposed upon. Lincoln replied: "If you believe it, I will. At any rate, I'll take the risk on the side of mercy." The pardon was sent. "And yet," says Senator Dawes, "subsequent events proved Stanton was the nearest right of the three, as upon my return to Massachusetts almost the first person I met was the 'dying' quartermaster, apparently as robust and healthy as the best of the people around him."—Henry L. Dawes in Atlantic for February, 1894.

## JOSEPH STORY, MASSACHUSETTS.

(1779-1845)

"The Walter Scott of the Common Law." Thirty-four years Associate Justice of the United States Supreme Court. Born at Marblehead, Massachusetts, September 18, 1779; died at Cambridge September 10, 1845, aged sixty-six. Graduated at Harvard at nineteen. Read law with Samuel Sewall, afterward Chief Justice of Massachusetts; moved to Salem, 1801, when and where he was admitted at the age of twenty-two. Argued when thirty-one in the United States Supreme Court the great Georgia claim case, *Fletcher v. Peck*. At this age he edited a new edition of *Chitty on Bills of Exchange and Promissory Notes*, and *Abbott on Shipping*. In 1831 he declined the Chief Justiceship of Massachusetts, and succeeded Mr. Justice Cushing on the United States Supreme bench at thirty-two years of age, the youngest judge, except Justice Buller, of England, ever called to the highest station, in England or America.

To his vast professional labors even those of Coke and Eldon must yield in extent. His name was

well known in Westminster Hall and in the judicatories of Paris, Berlin, Stockholm, St. Petersburg, and in the universities of Germany, Italy and Spain. He must yield to Marshall as a logician, but he greatly surpassed him in general legal scholarship. Rivals Stowell in admiralty and Kent in equity. Though a Judge of the Supreme Court, and for sixteen years law lecturer at Harvard, and many years president of a Salem bank, he gave to the world some thirteen volumes of legal treatises,—more works on jurisprudence than any other writer of his time. Besides, he gave many discourses, wrote many legal essays, and drew up a vast number of important acts of Congress. "Swept," says Carson, "the bounds of jurisprudence with comprehensive glance, and poured forth the rich accumulations of his industry with flowing pen." Says Irving Browne: "His chief characteristic is not strength, but learning, fullness and variety." His decisions (7 Cranch. to 3 How., 35 volumes), 271 in number, including eight dissents, are marked by logic, clearness, learning and illustration, but lacked, says John W. Wallace, "accuracy and patient investigation."

## Human Wisdom.

"Human wisdom is the aggregate of all human experience, constantly accumulating, and selecting, and re-organizing its own materials."

## Law.

"No one appreciates more fully than myself the general importance of the study of the law. No one places a higher value upon that science as the great instrument by which society is held together and the cause of public justice is maintained and vindicated. Without it, neither liberty, nor property, nor life, nor that which is dearer than life, a good reputation, is for a moment secure. It is, in short, the great elastic power which pervades and embraces every human relation. It links man to man by so many mutual ties, and duties, and dependencies, that, though often silent and unseen in its operations, it becomes at once the minister to his social necessities and the guardian of his social virtues."—From an address at Harvard, 2nd Centen. Anniv., Sep. 8, 1836: 2 Story's Life and Letters, p. 264.

## The Value of an Index.

"The value of an accurate index is well known to those who have frequent occasion to consult voluminous works in any science, and to construct a good one requires great patience, labor and skill."—North American Review, Vol. 23, p. 39,

## State Decisions.

"We will never immolate truth, justice and the law, because a State tribunal has erected the altar and decreed the sacrifice."—*Swift v. Tyson*, 16 Peters, 1.

## His Standing Before Thirty-two.

When appointed to the bench at thirty-two years of age, his professional income was \$5,000 a year, probably equal to \$25,000 now; had appeared in the Supreme Court of the Nation; took issue with Lord Hale before Chief Justice Parsons in *Rust v. Low*, 6 Mass., 90, on a legal question, arguing that Hale was wrong and misunderstood the authorities, for which assertion he was told by Judge Parsons that he undertook a difficult task, but he convinced the judge and won the case; and met on equal terms the giants of the Massachusetts bar.

## Lord Campbell's Estimate.

Lord Campbell said in the House of Lords: "He is greater than any law-writer of whom England can boast, or whom she can bring forward, since the days of Blackstone."

## The Press.

"Here shall the Press the People's rights maintain,  
Unawed by influence and unbribed by gain;  
Here patriot Truth her glorious precepts draw,  
Pledged to Religion, Liberty and Law."

—Motto for the Salem Register, written by Story.



### Not Accurate, Nor Patient in Investigation.

"His power of synthesis was considerable; but when you have heard his opinions and text-books dissected by analytical men at the bar as often as I have, you will come to the conclusion that his mind was deficient in accuracy, that its discipline was not strict, nor its investigations patient. His reputation, which was in a good degree a reflected one from England, where he took great pains to make himself known, has not, I think, stood firm in the professional mind to this day. And I much doubt whether he had any accurate knowledge of the civil law."—From letter of John William Wallace, Reporter of the Supreme Court of the United States, to Hampton L. Carson, Jan. 31, 1876: Carson's History of the U. S. Supreme Court, p. 238.

### His Labors.

According to his biography, carefully prepared by his son, Judge Story delivered thirteen volumes of Circuit Court decisions, had a large share in thirty-five volumes of Supreme Court decisions, prepared thirteen volumes of legal treatises, besides discourses, essays in the *North American Review*, drew up many important acts of Congress, such as the Judiciary and Crimes act, and discharged the duties of law professor with regularity and success. "In quantity, all other authors in the English law, and all judges, must yield to him the palm."

## Story and Everett.

When Edward Everett was Governor of Massachusetts, a great dinner was given in honor of Judge Story. After dinner had been disposed of, Mr. Everett arose to the toast, "The legal profession: however high its other members may climb, they can never rise higher than one Story." Applause and cheering followed. When it had subsided Judge Story rose and quietly remarked: "Applause follows fame where ever it (Everett) goes."

## Framed a Statute and Could not Tell What It Meant.

"Being once employed by Congress to draft an important law, Judge Story spent six months in trying to perfect its phraseology, so that its sense would be clear beyond the shadow of a doubt. Yet in less than a year, having heard the arguments of two able attorneys in a suit which came before him as a Judge of the United States Supreme Court, he was utterly at a loss to decide upon the statute's meaning."—Mathews' "Words: Their Uses and Abuses," p. 252.

## Kent's Tribute To.

"I think all the treatises of Story are, on the whole, the most finished and perfect of their kind to be met with in any language, foreign or domestic; and for learning, industry and talent he is the most extraordinary jurist of his age."—Chancellor Kent.

## Text-Books Thrown Together.

“Whole chapters of some of his books seem to be little more than windrows of head notes, raked together as the farmer rakes his hay in the mow-field; but when we survey the ground, the wonder is that his work was so well performed. His opinions will probably stand higher in the hereafter than his text-books, except his work on ‘The Conflict of Laws,’ and the ‘Constitution.’”—John M. Shirley, “Dartmouth College Causes,” p. 330.

## NOAH HAYNES SWAYNE, OHIO.

(1804-1884.)

Nineteen years Associate Justice of the United States Supreme Court, from 1862 to 1881. Born in Culpeper county, Virginia, December 27, 1804; died in New York city June 8, 1884, aged seventy-nine. He was the son of Joshua Swayne of Quaker descent. Received his early education at Waterford, Virginia, and first studied for the medical profession, but later read law and was admitted at nineteen. At twenty-one, disapproving of slavery, he removed to Coshoc-ton, Ohio, where he was three years prosecuting attorney of Coshoc-ton county, and also represented that county in the Legislature. In 1831, having been appointed United States District Attorney by President Jackson, he removed to Columbus, and served in that capacity for ten years. January 14, 1862, President Lincoln appointed him Associate Justice of the United States Supreme Court, made vacant by the death of Mr. Justice McLean, and in accordance with the latter's wish. He resigned the position in 1881 on account of advanced age. He was made LL.D. by Marietta and Dartmouth in 1863, and by Yale in 1865.

His practice before elevation to the Supreme bench was large and lucrative. He had high reputation as a jury lawyer and for skilful analysis of testimony. The trial of William Rosane et al., in the United States Circuit Court at Columbus, in 1853, for burning the steamboat "Martha Washington" for the insurance, being the most celebrated. His opinions upon Constitutional questions were in favor of a firm and uncompromising support of nationality. He dealt with a vast number of subjects, and became a leader in contending for general commercial jurisprudence. His decisions (1 Black, 104 U. S.), numbering 369, including fifty-three dissents, notably the Slaughter House cases (16 Wall., 36), show unusual capacity, familiarity with adjudged cases, and settled habits of labor and research. His views, expressed in *Gelpcke v. Dubuque* (1 Wall., 175), have obtained a firm foothold in the Supreme Court.

He was genial and benevolent, amiable and patient, and won not only the most cordial esteem, but the warmest affections of the bar. General Grant long considered it his duty to break over the custom never to make one of the Supreme Court Chief Justice, when he named M. R. Waite for the Chief Justiceship.

## WAGER SWAYNE, NEW YORK.

1834——.)

Soldier and lawyer. Born at Columbus, Ohio, November 10, 1834. He is a son of Noah H. Swayne, ex-Associate Justice of the United States Supreme Court, and Sarah Ann Wager, a Virginia lady, who celebrated her marriage by freeing her slaves. The son was graduated from Yale in 1856, with Chauncey M. Depew, Justices Brown and Brewer, Judge McGruder of the Illinois Supreme Court, J. H. Hallock of the "Christian at Work," and others. He graduated from the Cincinnati Law School in 1859; practiced law with his father two years, until the war of the Rebellion broke out, when he enlisted, 1861; was appointed Major of the Forty-third Ohio Volunteers, took part in the campaign under Pope in Missouri, assisted in the capture of New Madrid and Island No. Ten, was engaged in the battles of Corinth and Iuka, accompanied Sherman to the sea—losing a leg by a shell explosion in South Carolina—and was commissioned "for gallant and distinguished services" brevet General and later Brigadier General. He did hercu-

lean work for three years after the war for the freed-men in Alabama, in establishing schools, colleges, and other eleemosynary institutions.

He resumed practice in 1880 at Toledo, Ohio, almost immediately taking rank among the foremost lawyers of the State. Fought through the lower and United States Supreme Court the validity of a State law designed to tax national banks out of existence, securing a final decision in the negative. He soon had among his clients such concerns as the American Union Telegraph and the Wabash Railway companies, and in 1879 the growth of his railroad and telegraph business made it necessary for him to remove to New York city, where his clients were. In 1881 he formed a partnership with Judge John F. Dillon, the firm soon becoming general counsel for great corporate interests. He is a member of the Executive Committee of the American Tract Society and the Board of Domestic and Foreign Missions of the Protestant Episcopal Church. He was the second president of the Ohio Society of New York.

## ROGER BROOKE TANEY, MARYLAND.

(1777-1864.)

Twenty-eight years Chief Justice of the United States. Born in Calvert county, Maryland, March 17, 1777; died in Washington, D. C., October 12, 1864, aged eighty-seven. He belonged to a Roman Catholic family. Entered Dickinson college at fifteen, whence he graduated at eighteen. He studied law with Jeremiah T. Chase, at Annapolis, was admitted at twenty-two, and settled in Frederick, Maryland, in 1801. Though he held various minor offices, his only aim was in the line of his profession. In 1823 he moved to Baltimore, the death of Pinkney and the delicate health of Martin leaving a large opening, which he at once filled and held. Before reaching middle life his reputation was so great that he was employed in every important case in the State. Up to this time his practice had been confined almost exclusively to the State courts, but thenceforth he shone in the Supreme Court of the Nation. In 1827 he was appointed Attorney General of Maryland, and in 1831, of the United States. In 1833 President Jackson ap-



pointed him Secretary of the Treasury, and December 28, 1835, nominated him Chief Justice. His confirmation was bitterly opposed by Webster and Clay, but he was finally confirmed, March 15, 1836, by a majority of fourteen.

He is chiefly known by his decision in the Dred Scott case, in which he held that "a slave was property, and that his owner was entitled to be protected in the possession of him, as such, in the territories." The opinion was obiter dicta, and excited more rancorous hate than any other judgment of a court since man first submitted disputes to the arbitration of law. He was a man of great integrity and simplicity of character, of perfect self-control, unflinching courage and unflagging industry. His judicial style is lucid and logical. Wirt dreaded his "apostolic simplicity," and Story pronounced him a man of "fine talents." Conkling adds: "It may be doubted whether we have known a braver, an abler, or a more upright judge." He was a strict constructionist, and took as his model the just and resolute man of the third ode in Horace's third book.

## Timidity Felt When Speaking.

“On many occasions throughout my professional life my morbid sensibility has given me deep pain and mortification. It was the struggle of my life to keep it down; but long as that professional life was, I was never able to entirely conquer it. And although I had been some years in the practice when I made my first speech in the Court of Appeals in Maryland, and many more when I first appeared in the Supreme Court of the United States, I felt it on each of these occasions nearly as much as when I tried my first case in the mayor’s court.’ (In which he could not take notes, his hand trembled so badly, and in which he was obliged to fold his arms to keep them from trembling, and keep his knees against the table before him so they would knock together.) The mayor’s court case was his first. Mr. Taney said his timidity never left him, but that always when he rose to speak his heart was in his mouth.”—Tyler’s Taney’s Memoirs, p. 78.

## Denounces Slavery in Defending Reverend Gruber.

“Taney defended a Methodist minister who was indicted for unlawfully and maliciously inciting slaves to insurrection and rebellion, for the disturbance of the peace of the State, and in the course of his remarks said: ‘He (Rev. Gruber) did rebuke those masters who, in the exercise of power, are deaf to the call of humanity, and he warned them of the evils they might bring down upon themselves.

He did speak with abhorrence of those reptiles who live by trading in human flesh, and enrich themselves by tearing the husband from the wife, the infant from the bosom of the mother; and this I am instructed was the head and front of his offending. Shall I content myself by saying he had the right to say this? that there is no law to punish him? So far is he from being the object of punishment in any form of proceeding, that we are prepared to maintain the same principles, and to use, if necessary, the same language here, in the temple of justice and in the presence of those who administer the law. A hard necessity, indeed, compels us to endure the evil of slavery for a time. It was imposed upon us by another nation, while we were yet in a state of colonial vassalage. It cannot be easily or suddenly removed. Yet while it continues it is a blot on our national character; and every real lover of freedom confidently hopes that it will effectually, though it must be gradually, wiped away, and earnestly looks for the means by which this necessary object may be best attained.' Mr. Gruber was acquitted by a slaveholding jury before slaveholding judges."—Tyler's Taney's Memoirs, p. 130.

### Pleading and Trial by Jury.

"To reform common law pleading by legislation, and yet preserve in full vigor and usefulness the great principles of the common law and trial by jury (without which, in my judgment, no free government can long exist) will require much reflection and care in

matters of detail and great perspicuity in language."—*Idem*, p. 323.

### The Catholic Church.

"Most thankful am I that the reading, reflection, studies and experience of a long life have strengthened and confirmed my faith in the Catholic church, which has never ceased to teach her children how they should live, and how they should die."

### His Last Days.

"He never spoke ill of any man; he espoused the cause of the oppressed; and was charitable to the poor. He died in Washington, poor and neglected, his life went out like a candle expiring in its socket in a deserted chamber."—Thomas J. Semmes.

### Tilt Between Webster and Taney.

Daniel Webster having alluded, at a public dinner, to Taney as "the pliant instrument of the President, ready to do his bidding," (for Taney, as Secretary of the Treasury, had ordered the removal of the public deposits from the United States Bank), Taney soon after at a meeting called by his political friends to greet him after his nomination as Secretary of the Treasury and his rejection by the Senate, said: "Neither my principles nor my habits lead me to bandy words of reproach with Mr. Webster or any one else. But it is well known that he has found the bank a profitable client, and I submit to the public whether

the facts I have stated do not furnish ground for believing that he has become its 'pliant instrument,' and is prepared on all occasions to do its bidding whenever and wherever it may choose to require him. In the situation in which he has placed himself before the public, it would far better become him to vindicate himself from imputations to which he stands justly liable, than to assail others."

#### Brave.

"When the war came Taney was not deterred by clamor, nor by flaming swords, nor by insolence of power, nor by threats, from the performance of his official duty."—Thomas J. Semmes' address on United States Supreme Court, at New York city, February 4, 1890.

#### Trial by Jury.

"Our liberties are closely bound up with the preservation in full vigor and usefulness of the great principles of the common law and trial by jury."—Tyler's Memoirs of Taney, p. 328.

#### Free From Vanity or Self-Conceit—Power of Subtle Analysis.

"He was as absolutely free from vanity or self-conceit as any man I ever knew, and his power of subtle analysis exceeded that of any man I ever knew,"—Justice B. R. Curtis.

James Dixon's Tribute—"Virtuous."

"James Dixon, a law pupil of Judge Taney's, said, when his preceptor was appointed Chief Justice, in a letter to Mr. Taney: 'I never left your presence without feeling in love with virtue.'"—Tyler's *Taney's Memoirs*.

Fond of Flowers.

"He was passionately fond of flowers, and always thought well of one who liked them."—*Idem*, 478.

Very Devout.

"Before he began the duties of the day it was his custom to seek divine guidance through prayer."—*Idem*, 478.

A Great Reader. )

"He was a constant reader to the end of his life of the current literature of the day, 'Macaulay's History of England,' 'Campbell's Lives of the Chief Justices and Lord Chancellors,' Shakespeare, novels, etc."—*Idem*, 485.

Expected to Die Within Six Months for Forty Years.

"It was said by one who had known him upwards of forty years, that during all those years there had never been a time when his death might not reasonably have been anticipated within the next six months."—2 *Life and Writings of B. R. Curtis*, 337.

### Manumitted His Father's Slaves.

In early life he manumitted all the slaves he inherited from his father. The old ones he supported by monthly allowances of money until they died.

### His Official Integrity.

He refused while Secretary of the Treasury to accept a box of cigars as a present from the Collector of the Port of New York, and declined the dedication to him of Mr. Seward's speech on the French spoliation claims, lest its acceptance might be construed into interference with a measure pending before Congress.

## HENRY MOORE TELLER, COLORADO.

(1830——.)

Senior Senator from Colorado. Born May 23, 1830, in Allegheny county, New York. Is of Dutch descent and of a very poor family. He received his education in the common schools and an academy, where he paid his way by teaching during vacations, and at Alfred University. Studied law with Martin Grover, being admitted in Binghampton, New York, at twenty-eight. In 1858 he moved to Morrison, Illinois, and three years later to Central City, Colorado, where he still resides. Was Major General of the militia against the Indians in 1863. In 1865 he organized the Colorado Central Railroad company and was its first president until absorbed by the Union Pacific five years later. He is a prominent thirty-third degree Mason, having been seven years Grand Master of his State, and is now Inspector General of the Order. Is a past Grand Commander of the Knights Templar. Formerly a Democrat, he became a Republican at the organization of that party, but never held office until elected to the United



States Senate in 1876, being re-elected in 1877. In 1882 President Arthur appointed him Secretary of the Interior, in which position he was considered the best informed and best equipped man who ever held that office. In 1885 he was again sent to the United States Senate, and unanimously succeeded himself in 1891. He married Miss Harriet M. Bruce at Cuba, New York, in 1862, and is the father of four children.

Mr. Teller is the most popular man in his State, and received a triumphal ovation in the leading Colorado cities upon his return from the special session of Congress in 1893, where he had championed free silver. As a lawyer, in full practice, he was the leader of the State bar, and, perhaps, is the best equipped mining lawyer in the Rocky Mountain country, there being scarcely a case involving large interests in which he is not retained. Before a jury he is plain, clear and concise. It is as near thirteen men reasoning together as it is possible for it to be. He is persevering, simple, kind, cheerful, gentle, generous and approachable.

#### For Double Standard of Money.

"I, myself, am not a silver man for local reasons, but because I believe that a single standard will injure the great mass of people of this Nation."—From an interview in Chicago, July 8, 1893.

**JOHN SPARROW DAVID THOMPSON, CANADA.**

(1844——.)

Late Canadian Minister of Justice. He was born at Halifax, Nova Scotia, November 10, 1844; died at Windsor, England, to which country he had gone temporarily on diplomatic business, December 12, 1894, aged fifty. Studied in the common schools and Free Church Academy at Halifax; read law, and was admitted to the bar of Nova Scotia at twenty-one. His early practice was a hard struggle, but he soon became one of the leaders. In 1877, the Fishery Commission, under the Washington treaty, convened at Halifax, and Mr. R. H. Dana, Jr., the American counsel, associated Mr. Thompson with him. Later he became a representative as a Conservative for the County of Antigonish, being re-elected in 1878 by acclamation. He was made Attorney General for Nova Scotia, 1878 to 1882; Premier, succeeding Mr. Holmes, 1882; Judge of the Supreme Court of that province, 1882 to 1885. He returned to political life, and was appointed by the Conservatives Minister of Justice, 1885, which position he held till his death. In 1886

he ably answered, on behalf of the administration, the masterly speech of Sir Edward Blake, the ablest man of the Liberal party, and confessedly the ablest lawyer in the House, upon the Riel Rebellion. Mr. Thompson's great speech of five hours' delivery was calm, dignified, logical, powerful, triumphant, and has never been exceeded by him except in 1889, when he defended the course of the government in the Canadian House over the Jesuits' Estates Act, in reply to Mr. D'Alton McCarthy, the intellectual leader of the section known as the "equal rights" party.

Mr. Thompson was sent to Washington while the Chamberlain-Bayard treaty was negotiating, as legal adviser to the British ambassadors, and prepared their legal brief. For his services in this connection he was knighted, 1888. He is the author of many important laws. He acted on behalf of Great Britain as one of the arbitrators in the Behring Sea controversy, at Paris, 1893. He had a thorough knowledge of law, was a man of ceaseless industry, and was blest with unerring judgment.

## ALLEN GRANBERRY THURMAN, OHIO.

(1813- —).

"The Old Roman." Pronounced by Mr. Blaine, "the foremost man of his party in the Nation." Born at Lynchburg, Virginia, November 13, 1813. His father, a Methodist minister, moved to Ohio when the boy was six, who, without a collegiate course, read law with his uncle, William Allen, and with Noah H. Swayne; was admitted at Chillicothe, joined forces with Mr. Allen, was soon in nearly every litigated case in Ross county, and in seven years had achieved distinction in the United States Supreme Court. A Congressman at thirty-two—the youngest in that body—and was placed on the judiciary committee. From 1852 to 1856 he was a Justice of the Supreme Court of Ohio, the last two years being Chief Justice. His opinions (1 to 5, Ohio State) stand unparalleled in the State for clearness, accuracy and soundness. *McGatrick v. Wason*, (4 Ohio State, 571) being one of the most exhaustive cases in the country on Sunday law legislation. In 1867 he was defeated by Hayes for Governor of Ohio, but cut down a Re-

publican majority of 42,000 to 3,000. From 1869 to 1881, as a member of the United States Senate, he was chairman of the judiciary committee, and for a time president pro tempore of that body. The acknowledged authority on all constitutional questions, his argument against the validity of the "Civil Rights" bill was afterwards sustained by the Supreme Court in almost his identical language. After his return to practice he was prominent against the Bell telephone patent monopoly, and in 1887 refused position on the Inter-State Commerce Commission. In 1876, 1880 and 1884 he was a candidate for President, and in 1888, unsuccessful for the Vice Presidency.

All his life he has been a discriminating reader, not only of serious books, but of those of romance and poetry—especially French, notably Moliere, Racine and Balzac, reading them in the original. A devotee of the drama and music, old-fashioned and soggy, he is yet, in the language of Durbin Ward, "an Ajax in thought, intellect, language, statesmanship and law."

Eulogy on Thurman in 1884—Breckenridge.

"California has sent us here, her representatives, in a few and simple words, to present for the consid-

eration of the Democratic party, a man who needs no eulogy at her hands; whose name is enshrined in the hearts of the whole American people. She has asked us to present for your consideration a man who, if you nominate him, we believe there is a settled conviction in the hearts of all, will be the next President of the United States. Such a selection is a sacred trust and a solemn responsibility. There never was in the history of the party a rarer or grander opportunity to make an appeal to the country. Let us present a man of whose integrity and devotion to principle there has never been a question; upon whose character and reputation there has never been a shadow, or a blot, or stain. Ability and learning shall be connected with the duties of the high office to which we would elevate him. \* \* \* Of all the honored and illustrious names which have been and shall be presented for the consideration of this convention there are none which lie nearer to the great heart of the American people than that lofty and intrepid statesman, who for more than twenty years has been the boldest and ablest Democratic advocate of Democratic doctrine and Democratic principle."—Extract from nominating speech of Thurman for the Presidency, at Chicago, in 1884, by John W. Breckenridge, of California.

For complimentary allusion to Thurman in United States Senate by Roscoe Conkling, see "Conkling."

## Eulogy of—By Durbin Ward.

"The Senator who served twelve years in the Congress of the United States, a great lawyer, a ripe jurist, when he entered that body, and while he was there, without any disrespect to anybody else, was invariably pointed out by the stranger as the great man on the floor of the Senate of the United States. \* \* \* You want an Ajax, with a helmet and spear, to thunder along the line, and deal death-giving blows to the foe whom we meet. Allen G. Thurman is that man, in thought, in intellect, in courage, in statesmanship, in adherence to Constitutional law, in defense of the rights of the masses, in defiance of the power of monopoly, in defiance of the corruptions of the age."—Extract from Mr. Durbin Ward's speech in seconding Mr. Thurman's nomination.

## A Blow of His Nose—Signal for Down Brakes.

"Senator Thurman always wears ill-fitting clothes, and blows his nose with a red handkerchief, with a sound like that of the ram's horn around Jericho. They tell a story of Senator Davis, of West Virginia, who used to be a brakeman on the Baltimore and Ohio railroad. He used to sit near Thurman in the Senate, and sometimes went to sleep in his chair. Once, when awakened by the blast from Thurman's nose, he seized his desk and twisted it around, dreaming that he was on a train once more, and supposing Thurman's trumpet to be the signal for down brakes."

## JOHN MELLEN THURSTON, NEBRASKA.

(1847-——).

The history of the country presents no better illustration of a self-made man than Mr. Thurston. Born in Montpelier, Vermont, August 23, 1847. At sixteen his father died and he was left to shift for himself. He followed many manual pursuits, and educated himself at Wayland University, Beaver Dam, Wisconsin, where he read law and was admitted at twenty-two. In 1869 he located in Omaha, Nebraska, possessed of but forty dollars. During his first years of practice he slept in a buffalo robe on his office floor. He served successively as justice of the peace,\* alderman, city attorney, and in 1877 resigned from the Legislature, where he had served two years, having held the chairmanship of the judiciary committee and the position of Speaker, to become assistant attorney of the Union Pacific railway. In 1884 he headed the Nebraska delegation to the Republican National Convention, in which body he seconded the nomination of General Logan for Vice President, and otherwise took a prominent part; and in 1888 he was temporary chairman of a similar body, and as such,



delivered an address which electrified the country. He was a strong candidate for the United States Senate in 1887; was urged for a Cabinet position by almost the entire West in 1889; was prominently mentioned as Vice Presidential nominee on a ticket with Blaine in 1892, and received the Republican caucus nomination for the United States Senatorship from Nebraska in 1893, and during the exciting contest before the Legislature received his entire party vote, lacking but five of election, being finally defeated by a combination of Democrats and Populists. He will doubtless be made Senator by the present Republican Legislature.

He has been engaged in many prominent trials, notably in assisting the prosecution in *State v. Olive*, in which he secured a conviction of murder in the second degree; the successful defense of the murderers of William H. Armstrong; and in 1886 cleared John W. Lauer for shooting his wife—the latter being one of the most noted trials in the annals of the State. When in general practice his business was said to be the largest of any lawyer in his section of the country. Mr. Thurston has a wife and four children, and his home is a model of domestic comfort and felicity,

## Pen Picture of Mr. Thurston.

"It is to be regretted that Mr. Thurston's conspicuous legal ability early called him from the general practice. About 1886, the most notable and interesting murder trial in the annals of Nebraska took place at Omaha. It was the case of the State v. John Lauer, charged with shooting his wife. Circumstances had woven about Lauer the seemingly plain and unquestionable evidence of guilt. Lauer and his wife being well known socially, the shooting of Mrs. Lauer—as claimed by her husband, through mistaking her for a burglar—aroused not only the interest, but the bitterness also, of the entire community. The prosecution was led by General John C. Cowin of the Omaha bar, than whom there is no more able or brilliant advocate in the West. Mr. Thurston's analysis of the evidence, upon the second trial, was recognized by the entire bar of the State as being a marvel of skill and ingenuity on the part of the lawyer, as it was the masterpiece of a great advocate. Not only the jury, but the whole community, were convinced by Mr. Thurston's argument of the innocence of his client. No better tribute will ever be paid Mr. Thurston, either as a lawyer or an advocate, than the record of acquittal in this case. What James T. Brady was to the bar of New York and John McSweeney was to that of Ohio, so was John M. Thurston to the bar of Nebraska, while he remained in the general practice.

Although for years in the employ of a great cor-

poration, Mr. Thurston is emphatically a man from the ranks of the people, and a man of the people, large hearted and broad minded. Wherever men look for a leader, or human rights need an advocate, no abler, more fearless and upright exponent can be found than John M. Thurston—the pride of the bar and the idol of the Republicans of Nebraska. Take him for all and all, he exemplifies the embodiment of the poet's prayer, 'God send us men.'—T. B. Minahan of the Omaha bar, in a letter to the author.

## LYMAN TRUMBULL, ILLINOIS.

(1813 —.)

Twelve years chairman of the United States Senate judiciary committee, and five years a Justice of the Illinois Supreme Court. Born at Colchester, Connecticut, October 12, 1813. His education was confined to the common schools and Bacon Academy in his native town. At sixteen, to support himself and study law, he taught school at ten dollars per month and "boarded round." At twenty he took charge of an academy at Greenville, Georgia, and was admitted in that State at twenty-four, and established himself in 1837 in practice in Belleville, Illinois. In 1840 he was elected to the Legislature, and before his term expired was appointed Secretary of State, which position he held with distinction for two years. At the end of this time he resumed his practice with wonderful assiduity, attaining the highest rank. At thirty-five he was elected to the Illinois Supreme bench, and after four years service was re-elected for the full term of nine years, but resigned in 1853 to return to his practice. His opin-

ions (11 to 15, Illinois Reports) are remarkable for clearness, force, accuracy and correctness. In 1854 he was elected to Congress, and before taking his seat in the House was promoted to the Senate, where he continued to serve as one of the ablest members of that body for eighteen years. As chairman of the judiciary committee he had charge of the reconstruction measures, drafted the Civil Rights bill, and the Thirteenth Amendment to the Constitution, supporting the latter in one of the ablest speeches ever delivered in the Senate.

His practice has been important, long and lucrative. He has been engaged in some of the most important cases in the Nation. Was of counsel for Tilden before the Electoral Commission, and was one of five Republican Senators who voted for acquittal in the Johnson impeachment. He is a LL. D. of Yale and McKendree colleges, and is a true type of a self-made man. He has been a close student all his life, and is an amiable, refined and courteous gentleman. "In 1865," says Blaine, "he was the recognized leader of the Republican party."

### Peace and War—Necessity.

"Necessity is the plea of tyrants; and if our Constitution ceases to operate, the moment a person charged with observance thinks there is a necessity to violate it, it is of little value. Under our Constitution the military is as much the subject of control by the civil power in war as in peace. I am for suppressing the Rebellion according to law, and in no other way. I stand ready to tolerate almost any act done in good faith for the suppression of the Rebellion, not to sanction usurpations of power which may hereafter become precedents for the destruction of Constitutional liberty."—Remarks made upon a bill introduced by him in the Senate in December, 1861, to confiscate rebel property and free the slaves.

### Allegiance and Protection—Reciprocal Rights.

"It can not be that we have constituted a government which is all-powerful to command the obedience of the citizen, but has no power to afford him protection. Tell it not, sir, to the father whose son was starved at Andersonville, or the widow whose husband was slain at Mission Ridge, or the little boy who leads his sightless father through the streets of your city, or the thousand other mangled heroes to be seen on every side of us to-day, that this Government, in defense of which the son and the husband fell, the father lost his sight, and the others were maimed and crippled, had the right to call these per-

sons to its defense, but now has no power to protect the survivors or their friends in any rights whatever in the States. Such, sir, is not the meaning of our Constitution. Such is not the meaning of American citizenship. Allegiance and protection are reciprocal rights.”—Remarks in Senate, 1866, upon Johnson’s veto of Civil Rights Bill.

### A Candidate for the Presidency.

He received one hundred and ten votes for the Presidency in the Democratic convention of 1872.

### The Judiciary Committee of Senate, Upon Which Mr. Trumbull Served.

When chairman of the United States Senate judiciary committee in 1867, Mr. Trumbull’s associates were Reverdy Johnson, Allen G. Thurman, Roscoe Conkling, George F. Edmunds, Lafayette Foster, and Thomas A. Hendricks—probably the ablest statesmen of that or any other period in the Nation’s history.

### Rode Horseback From Georgia to Illinois, and on to Connecticut.

When twenty-two years old, after finishing three years teaching at Greenville, South Carolina, he rode horseback over the Cumberland mountains to Jacksonville, Illinois, and through Michigan to his old home in Connecticut. Afterwards returning and settling in Belleville, Illinois.

### Active Practitioner at Eighty-one.

Although Judge Trumbull is now past eighty-one years of age, he is yet solicitor of the Illinois Central railroad at \$15,000 a year, and carries on a general law practice besides.

### Walked Thirteen Miles When Teaching at Sixteen.

When Judge Trumbull taught school at sixteen years of age, he walked home every Saturday night, thirteen miles, and back Monday morning.

### Voted "Not Guilty" on Johnson Impeachment.

"His vote against the articles of impeachment of Andrew Johnson was the crowning act that brought upon his head the condemnation of party associates and retired him forever to private life." (He filed an opinion giving the reasons for his vote.)—*Kansas City Star*, November 25, 1894.

### His Mind Judicial.

"He was one of the few great Senators who was always a greater judge. His intellectual quality was judicial. His fame is substantial and glorious."—*Anon.*

### Statue for Judge Taney.

In 1865 Mr. Trumbull reported, as chairman of the Senate judiciary committee, the House bill providing a marble bust of Chief Justice Taney, to be placed in the Supreme Court room, which was say-



agely attacked by Sumner, Wilson, Hale, Wade, and others. Judge Trumbull warmly defended the character of the late Chief Justice, declaring that he "had added reputation to the judiciary of the United States throughout the world, and that he was not to be hooted down by exclamations about an emancipated country. Suppose he did make a wrong decision. No man is infallible. He was a great, learned, able judge."

Reverdy Johnson also championed Taney's cause, pronouncing an eloquent eulogium upon the late Chief Justice.—(For retort to Sumner, see "Reverdy Johnson.")

**JOHN RANDOLPH TUCKER, VIRGINIA.**

(1823- —.)

Professor of Constitutional and International Law at Washington and Lee University, Lexington, Virginia. Born in Winchester, Virginia, December 24, 1823. Is the son of Judge Henry St. George Tucker, of the Virginia Court of Appeals, and Law Professor of the State University; and a grandson of St. George Tucker, of "Tucker's Blackstone." His grandmother was the widow of John Randolph, and mother of John Randolph of Roanoke. He graduated, greatly distinguished in higher mathematics, from the University of Virginia at twenty-one. Was admitted to the Richmond bar at twenty-two; formed a partnership in Winchester with Robert Y. Conrad; was elected Attorney General of Virginia at thirty-four, remaining such till displaced by the result of the war; formed a partnership, 1866, with Burr P. Noland in Loudan county, the firm transacting an immense business growing out of constitutional and international war questions; refused the counselship of the Baltimore and Ohio Railway Company, and ac-

cepted, 1870, a professorship of law in Washington and Lee University, where he still remains. In 1874 he was elected to Congress, being six times successively re-elected, holding for four years the chairmanship of the judiciary committee, and a short time the chairmanship of the ways and means committee, and voluntarily retired in 1887.

He is an orator of great power, possessing a fascinating eye, a charming voice, and a winning manner. As a lawyer he is munificently equipped, of an eminently analytic mind, well stored with the erudition of the law, which he imparts with singular felicity. He was associated with Charles O'Connor, of New York, William B. Reed of Philadelphia, and Robert Ould, of Richmond, as counsel for Jefferson Davis, indicted for treason; made with David Dudley Field an elaborate argument in the Florida case before the Electoral Commission; is renowned for his efforts in the Virginia debt cases; and was conspicuous in the Anarchist cases. He is a LL.D. of Yale and an ex-president of the American Bar Association,

### When Columbus Discovered America.

"Luther was ten years old when Columbus landed on American soil. Copernicus was dreaming of new heavens when Columbus found a new world. In the century which succeeded, Galileo discovered new forces in the universe. The philosophy of Aristotle was about to yield to the novum organum. Hugo Grotius was preparing to base inter-gential law on the jus gentium and the law of God. The compass had been used, printing was invented, the telescope unveiled the heavens Copernicus had proclaimed, gunpowder had changed the modes of warfare; human imagination was on tiptoe, expectant of anything reason might establish. The night of the middle ages was far spent. The day of modern history was at dawn."—From President Tucker's address at the sixteenth annual meeting American Bar Association at Milwaukee, Wis., August 30, 1893.

### The Period of Chief Waite's Chief Justiceship.

For Mr. Tucker's remarks at death of Chief Justice Waite, see article "Waite."

### David Dudley Field's Munificent Gift.

A year or two before his death Mr. Field presented to Washington and Lee University, through Mr. Tucker, his magnificent and valuable law library.

## DANIEL WOLSEY VOORHEES, INDIANA.

(1827- —)

"The Tall Sycamore of the Wabash." Born in Butler county, Ohio, of Dutch ancestry, September 26, 1827. His parents were farmers who moved to Indiana when Daniel was two years old. At eighteen he entered Indiana Asbury (now De Pauw) University, whence he graduated at twenty-two, displaying fine mental ability and great oratorical powers. Studied law at Crawfordsville, was admitted in 1851, and commenced practice at Covington. In less than eight years he had acquired a national reputation as one of the most effective jury lawyers in the country, especially in criminal cases. In 1852, he formed a partnership with United States Senator Hannegan, of Indiana, who was led to take this step from listening to a Fourth-of-July oration delivered by young Voorhees. In 1857 he moved to Terre Haute, his present home. In 1858 he was appointed United States District Attorney for Indiana, and in 1861 elected to Congress, where he served five years, being appointed to the Senate in 1877, to fill the unexpired

term of Oliver P. Morton. He has served continuously in that body since that time, and from the first was assigned to the committee on finance, as his leading committee, of which he has been a member to the present time. He has taken part in the leading discussions of momentous questions arising upon finance for the last seventeen years, and upon the great questions arising in both branches of Congress for a third of a century.

Mr. Voorhees has been engaged in some of the most noted criminal trials in the history of the criminal law of the country during his career, notably the defense of John E. Cook, in Charleston, Virginia, whither he was sent by Governor Ashbel P. Willard, of Indiana, in 1859. This remarkable speech to court and jury was published all over this country and translated into several languages. His reputation from that time has been national as a lawyer and orator. He is a strong partisan by nature, but a man of generous and kindly impulses.

Thomas Jefferson.

"Sir, this is the birthday of Thomas Jefferson. One hundred and fifty years ago to-day he came into

the world, the greatest emancipator of thought, philosopher of liberty, and teacher of the natural rights of man, ever known in human history. The blows he struck for freedom, justice and equality in government are yet resounding throughout the earth, and they will never cease to be heard until the last shackle of privilege and tyranny is broken. Ten days before his soul took flight from his mountain home he wrote his parting words to his countrymen and to all the races of mankind. With his great dying message before us, and in its spirit we take new courage and go on with our work. 'All eyes are open, or opening,' he said, 'to the rights of man. The general spread of the light has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, not a favored few, booted and spurred, ready to ride them legitimately by the grace of God.' Hail mighty message, and hail its speedy and certain fulfillment. All hail the counsel of Thomas Jefferson in this hour of caste based on wealth, or privilege granted by law, and of monopoly fastened on the slavery of labor."—Remarks made during Tariff Debate in Senate, April 2, 1894.

#### A Great Advocate.

"Daniel W. Voorhees is a born orator. He could speak eloquently before he could speak correctly. In the Senate he does not speak often, but always to the point, and rarely to seats which are not filled. Upon the stump he has few equals, and no superiors. Of a

commanding figure, copious in language without being verbose, with a clear ringing voice that can be heard distinctly by the largest assembly, even in the open air, and a perfectly natural and easy delivery, he is a popular orator of the highest grade. As a lawyer he may not be ranked among the highest, but as an advocate, especially in important criminal cases, where his sympathy has full play, and successful defense depends more upon skilful management and the humane feelings of the jurors than upon the weight of evidence, it would be difficult to find his peer. He is one of Indiana's favorite and most highly and justly honored sons."—McCulloch's *Men and Measures of Half a Century*, p. 74.



## MORRISON REMICK WAITE, OHIO.

(1816-1888.)

Fourteen years Chief Justice of the United States. Born at Lyme, Connecticut, November 29, 1816, died in Washington, March 23, 1888, aged seventy-one. He graduated at Yale with William M. Evarts, Benjamin Silliman, Samuel J. Tilden and Edwards Pierrepont, as classmates. Read law with his father, Chief Justice Henry M. Waite, of Connecticut; traveled extensively, and while Mr. Evarts located in New York city, Mr. Waite struck out for the West, locating in Ohio, where he completed his legal studies; was admitted in 1839, and settled in Toledo, in 1850. He became in a certain sense a leader of the Ohio bar, a position he maintained for thirty years. He refused a candidacy for Congress and twice a Justice-ship on the Supreme Bench of Ohio. In 1872 he represented, with William M. Evarts and Caleb Cushing, the United States in the Geneva Arbitration, at the selection of President Grant. His reply to Sir Roundell Palmer before that international tribunal, established England's liability for permitting Confederate

cruisers to coal in British ports during the war, and won him great reputation for its clear, logical and convincing presentation of the facts. He was made a delegate to the Ohio constitutional convention by both political parties. President Grant called him to the Chief Justiceship of the Nation, January 19, 1874.

He drew his conclusions before the reasons on which they rested were consciously recognized. While Chief Justice, industrial development made the chief demand upon the attention of the court. He was a great dispatcher of business and an untiring worker—his last case (an elaborate opinion in the Bell telephone cases, being read by another but four days before his death) fills one entire volume of the United States reports. Out of his 633 decisions (19 Wall. 126 U. S.), more in number than decided by any other judge on the Supreme Bench, but exceeded in amount of work by Mr. Justice Miller, are included but twenty-two dissents. He was dignified, firm and kind; clear, terse, and wanting in ornament and illustration.

## Fourteenth Amendment.

"The Fourteenth Amendment does not add to the privileges and immunities of American citizens, but simply adds guarantees for the protection of privileges theretofore existing."—Minor's case, 1874.

## The Period When Chief Justice.

"The period of service covered by Judge Waite's term was more fraught with difficulties, more full of new responsibilities, and demanded more labor, learning and ability than in any previous period of our history. \* \* \* He was a true gentleman, an upright citizen, a sincere patriot, and a Christian judge."—John Randolph Tucker, upon the death of Judge Waite, 1888.

## Estimate of as a Judge.

"Mr. Waite was trained in the ways of the law and of the courts; his opinions do not convey the impression of a commanding intellect, but they are clear, terse, vigorous and judicial. He was absorbed in the obligations and responsibilities of his office, having no ambition beyond it. He was in manner plain, unattractive and unostentatious; his genial and social nature combined with admirable courtesy, endeared him to the members of the bar. He was an upright and impartial judge, a good man and a pious Christian."—Extract from address: The Supreme Court of the United States, by Thomas J. Semmes,

**DANIEL WEBSTER, MASSACHUSETTS.**

(1782-1852.)

Next to Hamilton, the most prominent political genius in the Nation's history. For thirty years the dictator of his party and the acknowledged leader of the American bar. Born at Salisbury, New Hampshire January 18, 1782, died at Marshfield, Massachusetts, October 24, 1852, aged seventy. He was the son of a poor farmer, educated at Exeter Academy and Dartmouth College, where he graduated at nineteen. Admitted at twenty-three, he settled at Boscawen, New Hampshire. Removed to Portsmouth at twenty-five; member of Congress at thirty; removed to Boston at thirty-four, where his practice reached \$20,000 a year. Re-elected to Congress at forty; United States Senator at forty-five; Secretary of State under Harrison, 1841, and under Fillmore in 1850. Was thrice disappointed for the Presidency.

His genius shone on questions of finance, the development of American industries, and in defense of the Constitution. The Ashburton Treaty, saving us from an entangling war, was his most masterly diplo-

matic act; his replies to Hayne and Calhoun in the Senate, his greatest oratorical, Constitutional efforts—the former rivaling Demosthenes “On the Crown;” the Dartmouth College case, 1818 (4 Wheat. 578), during the argument of which all the judges were said to be in tears, *Ogden v. Saunders*, 1827 (12 Wheat., 213), *United States Bank v. Primrose*, 1839 (13 Pet., 519), the *Girard Will* case, 1844 (2 How., 127), *Luther v. Borden*, 1848 (7 How., 1), and the Knapp murder case in 1830, in the Massachusetts Supreme Court, were his greatest efforts in a court of justice.

Says Lodge: “Without extraordinary profundity of thought or depth of learning, he had a wide, sure, and ready knowledge of principles and cases, quick apprehension, unerring sagacity for vital and essential points, a perfect sense of proportion, and an almost unequalled power of statement, backed by reasoning at once close and lucid.” He had great indifference to pecuniary obligations, like Pitt, Fox, and Sheridan, but this was overbalanced by his simplicity of manners, contempt of shams, courtesy to opponents, kindness to the poor, and profound religious instincts.

## Justice.

"Justice is the great interest of man on this earth. Whoever labors on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects himself in name and fame, and character, with that which is and must be as durable as the frame of human society."—Remarks on death of Judge Story.

## A Dissevered Union.

"When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood."—Second speech on Foote's resolution, Jan. 26, 1830.

## The British Empire.

"A power which has dotted over the surface of the whole globe with her possessions and military posts; whose morning drumbeat, following the sun, and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England."—Speech, May 7, 1834.

(Webster said he got that impression as he stood on the walls of Quebec for the first time and cast an imaginary glance over the broad extent of that domain.)

## Charity Lending a Mantle.

"If this bill becomes a law" (just at this time he brought his hand down violently striking the desk, and the blood trickled down his fingers; taking out his handkerchief and quietly winding it around them, he added) "charity will have to lend a mantle to wrap, the pale corpse of a Nation's credit."—Speech against A Financial Bill.

## Law and Politics.

"I have given my life to law and politics. Law is uncertain, and politics are utterly vain."—Said in 1852 to Professor Silliman: *Lodge's Life of Webster*, p. 346.

## Fox-like Tread of Van Buren.

"The Buffalo Platform of 1848 is so rickety that it will hardly bear the fox-like tread of Mr. Van Buren." As he said "fox-like tread," he played his fingers along his left arm down to the open palm of the same arm.

## Great Speech Must Be Prepared.

"No man not inspired can make a great speech without preparation."

## Fluency of Speech.

"Fluency of speech is like the departure of church-goers; the fewer in the house the faster they come out."

### Mind Imbued With Subject.

"If there be so much weight in my words, it is because I do not allow myself to speak on any subject until my mind is thoroughly imbued with it."

### Power of Public Sentiment.

"I see that the Emperor of Russia demands of Turkey that the noble Kossuth and his companions shall be given up to be dealt with at his pleasure. And I see that this demand is in derision of the established laws of nations. Gentlemen, there is something on earth greater than arbitrary or despotic power. The lightning has its power, and the whirlwind has its power, and the earthquake has its power, but there is something among men more capable of shaking despotic power than the lightning, the whirlwind, or the earthquake, and that is the excited and aroused indignation of the whole civilized world." —At a festival of the Sons of New Hampshire, 1849.

### Conversation.

Webster was accustomed to place conversation above all the other means and implements by which knowledge is obtained and dispositions infused.

### His Voice.

"His voice was deep-toned, like that of a great bell or organ, yet was musical, and well adapted to his sinewy Anglo-Saxon words and weighty thoughts. On great occasions, when the whole man was roused,



its swell and roll, we are told, struck upon the ears of the spell-bound audience in deep and melodious cadence, as waves upon the shore of the 'far-resounding sea.' Except in moments of high excitement he had little action—an occasional gesture with the right hand being all. In his law-arguments, he was still more sparing of gestures; his keen, deep-set eye glancing, his speaking countenance and distinct utterance, with an occasional emphatic inclination of the body, being the only means by which he urged home his arguments. The vast mass of the man did much to make his words impressive."—Mathews' "Oratory and Orators," p. 332.

### Three Great Speeches.

"In political oratory it would be hard to find anything superior to the reply to Hayne; in forensic oratory it would be hard to find anything superior to his speech on the murder of White; among showy speeches it would be hard to find anything superior to the Plymouth oration."—Goldwin Smith.

### His Two Most Satisfying Law Arguments.

"He was most satisfied with the argument in the 'Steamboat case' and the Dartmouth College argument."—Harvey's Rem., p. 140.

### Calhoun—Opinion of.

Thought Calhoun much the ablest man in the Senate,

Had Hay-Fever.

He never smoked. Had hay-fever every fall.

His Intense Study of the Constitution.

He once said that there was not an article, a section, a clause, a phrase, a word, a syllable, or even a comma, of the Constitution, which he had not studied and pondered in every relation and in every construction of which it was susceptible.

Had Poor Credit.

He never cared quite enough about his own finances, or took particular pains to preserve his own personal credit.

Jeremiah Mason—Opinion of.

Thought Jeremiah Mason the first lawyer of his age, and superior to any other lawyer whom he had ever met.

Benton.

Said Benton read everything; but never practiced his profession.

Visited Brougham.

Visited Lord Brougham and was highly entertained by him in England.

Planted Trees.

Had a great passion for planting trees and rearing fine animals.

## Clay—Opinion of.

Thought Clay was no lawyer, nor reasoner. Said: "In the course of my professional life, it has happened many times that I found myself retained in the same cause with Mr. Clay. He was my senior by several years, in the profession and age. That fact gave him the right to speak first in all such cases. Often before beginning my argument, I have had to labor hard to do away with the effect and impression of his. Some of the most laborious acts of my professional life have consisted in getting matters back to the starting point after Clay had spoken."—Harvey's *Reminiscences of Webster*, p. 217.

## Tolerated no Profanity or Vulgarity.

He never tolerated anything indelicate or profane in the stories to which he fondly listened.

## - Enjoyed Fishing and Shooting.

He enjoyed fishing and shooting and communing with plain people.

## Would Not Fight a Duel.

Was twice challenged to fight a duel by John Randolph, but did not accept.

## An Early Riser.

Was an early riser—while at Marshfield rose at four o'clock.

Lost \$100,000 by Lending Name to Others.

Was said to have lost \$100,000 by lending his name and influence to others.

*Amphibious Animal.*

Told John Trout he was an amphibious animal, because an amphibious animal lies equally well on land and on water.

*Dressed Neatly.*

He was always very particular about his dress.

*Fifteen Thousand Dollars Spent Before Received.*

He tried and won while Secretary of State in 1852 *Goodyear v. Day*—the famous India-rubber case. None of the \$15,000 fee went into his pocket, but was appropriated to the payment of his debts before gotten.

*His Early Case and Small Charge, but Came Up Years After.*

"He was consulted by a blacksmith in the early years of his practice respecting the title to a small estate bequeathed to him by his father. An attempt was made to annul the will. Mr. Webster sent to Boston, bought fifty dollars worth of law books, studied the case carefully and won it in the courts, and as his client was poor charged him but \$15. Years afterwards while on his way through New York to Washington, he was consulted by Aaron Burr to as-

sist him in a very important case then pending, and Burr stated the case. Webster astonished him by his learning upon the question—it was his old will case over again. Burr rose in amazement and asked if he was retained in the case, etc. He received from Burr the warmest praise and a very large fee.”—Harvey’s Rem., p. 75.

#### Refused Due Credit to Judge Story.

“After Judge Story’s death, Mr. Webster not only declined to allow the publication by the Judge’s son and biographer of Story’s letters to himself, but he refused to permit even the publication of extracts from his own letters, intended merely to show the nature of the services rendered to him by Story.”—Henry Cabot Lodge’s *Life of Webster*, p. 108.

#### Not a Creative Mind.

“Webster had not a strongly original or creative legal mind. He disliked investigation and inquiry, although entirely capable of intense and protracted exertion. Mr. Webster’s powers were not of the class of Mansfield’s and Marshall’s, who not only declared what the law was, but who made it; but, except in these highest and rarest qualities, he stands in the front of the lawyers of his country and his age. Without extraordinary profundity of thought or depth of learning, he had a wide, sure and ready knowledge of principles and cases. Add to this, quick apprehension, unerring sagacity for vital and essen-

tial points, a perfect sense of proportion, an almost unequalled power of statement, backed by reasoning at once close and lucid, and we may fairly say that Mr. Webster, who possessed all these qualities, need fear comparison with but very few among the great lawyers of that period either at home or abroad."—Lodge's *Life of Webster*, p. 109.

### Immortality.

"What a man does for others, not what they do for him, give him immortality."

### The Sabbath.

"The longer I live the more highly I estimate the Christian Sabbath, and the more grateful do I feel towards those who impress its importance upon the community."

### The Dirty Hand at School.

When a boy at school the teacher called him up to be feruled for some offense. Daniel put out his hand, which was so dirty that the teacher said, "If you can find another hand in the school-room as dirty as that, I'll not punish you." Daniel immediately thrust his other hand out, and was allowed to go free.

### Scholars—How Made.

"Costly apparatus and splendid cabinets have no magical power to make scholars. In all circumstances, as a man is, under God, the master of his own

fortune, so is he the maker of his own mind. The Creator has so constituted the human intellect that it can only grow by its own action; and by its own action and free will, it will certainly and necessarily grow. Every man must therefore educate himself. His book and teacher are but helps; the work is his. A man is not educated until he has the ability to summon in an emergency, all his mental powers in vigorous exercise to effect its proposed object. It is not the man who has seen most, or read most, who can do this; such a man is in danger of being borne down, like a beast of burden, by an overwhelming mass of other men's thoughts. Nor is it the man who can boast of native vigor and capacity. The greatest of all warriors in the siege of Troy had not the pre-eminence because nature had given strength and he carried the largest bow, but because self-discipline had taught him how to bend it."

#### While Senator Carried on Large Law Practice.

"He was the only man in his time, who successfully sat in the Senate of the United States and at the same time carried on a large practice before the United States Supreme and other courts."—*Flower's Life of M. H. Carpenter*, p. 83.

#### His Birth-place Humble.

"It did not happen to me, gentlemen, to be born in a log cabin, but my elder brothers and sisters were born in a log cabin and raised amidst the snowdrifts

of New Hampshire, at a period so early that when the smoke first rose from its rude chimney and curled over the frozen hills there was no similar evidence of a white man's habitation between it and the settlements on the rivers of Canada."—From one of his later Addresses.

#### Did Not Like Work and Could Not Save Money.

Two anecdotes illustrate his character. Daniel and Ezekiel were one day playing in the barn. Their father called out: "What are you doing, Daniel?" His reply was, "Nothing." "And what are you doing, Ezekiel?" "Helping Daniel." On another occasion the two returned from a fair. Daniel was full of animal spirits, and Ezekiel was silent. Their mother finally asked Daniel what he had done with his money. "Spent it," was the reply. "And what did you do with yours, Ezekiel?" "Lent it to Daniel," was the elder brother's reply. At one time he complained to his father that the scythe did not hang right. The father told him to hang it as he pleased, and he hung it on the fence.

#### His Outburst of Oratory in the Dartmouth College Case.

In closing the Dartmouth College case, he said: "Sir, you may destroy this little institution; it is weak; it is in your hands. I know it is one of the lesser lights in the literary horizon of our country. You may put it out, but if you do so, you must carry



through your work. You must extinguish, one after another, all those great lights of science which for more than a century have thrown their radiance over our land. It is, sir, as I have said a small college, and yet there are those who love it." ("Here," says Professor Goodrich, "the feeling he had thus far succeeded in keeping down broke forth. His lips quivered; his firm cheeks trembled with emotion; his eyes were filled with tears; his voice choked and he seemed struggling to the utmost to gain that mastery over himself which might save him from an unmanly burst of feeling. \* \* \* The whole seemed mingled throughout with the recollection of father, mother, brother, and all the privations and trials through which he had made his way into life. Everyone saw that it was wholly unpremeditated, a pressure on his heart, which sought relief in words and tears.") \* \* \* "Sir, I know not how others may feel," he proceeded, glancing at the opponents of the college before him, "but for myself, when I see my Alma Mater surrounded, like Caesar in the Senate-house, by those who are reiterating stab after stab, I would not for this right hand have her turn to me, and say Et tuquoque, mi fili. And thou, too, my son."

Admitted Forgery, but Denied Utterance.

"Mr. Webster never permitted the minds of jurors to be diverted from the real question. I was struck with this the first time I heard him before a jury. He was defending a man for forgery. To con-

vict it was necessary to prove the forgery and that the instrument had been uttered in Suffolk county, where the case was being tried. To my surprise before a witness had been called, Mr. Webster rose and said: 'May it please the court, we admit the forgery, so the evidence on this point will be unnecessary. We deny that the note was uttered in this county.' I was amazed at this admission. To me it seemed to be giving away the case. But the wisdom of it soon became apparent. The defendant was acquitted for want of proof on the question of utterance. If both the question of forgery and of the issue of the paper in the county had been presented, the jury might have regarded the forgery as the real question, and the defendant might not have escaped the punishment which he merited."—Hugh McCulloch's "Men and Measures of Half a Century," p. 19.

### His Penetrating Look.

"His eyes, though deep-set, were so penetrating that few guilty men could endure their piercing gaze. One of his clients in a case of considerable importance informed him that he thought a witness on the other side intended to commit perjury. 'Point him out when he comes into the court room,' said Mr. Webster. The witness soon after appeared and took a seat in a swaggering manner, when looking towards the bar his eyes met those of Mr. Webster fixed steadily upon him. He immediately looked in another direction, but, as if fascinated, he soon turned his face

again towards Mr. Webster, to meet those deep, penetrating eyes, which doubtless seemed to him to read his very soul. He moved nervously in his seat for a few moments, then rose and left the court-house, to which he could not be induced to return."—McCulloch's "Men and Measures of Half a Century," p. 19.

#### Used the Products of Other Minds.

"Every indication we possess of his college life, as well as of his own repeated assertions, confirms the conclusion that nature had formed him to use the products of other men's toil, not to add to the common fund."—James Parton.

#### Came Near Abandoning the Law.

At one time he came near abandoning the law, as too high and perilous for him, and settling down as schoolmaster and clerk of a court.

#### Forty-Eight Before Developed.

He was forty-eight before his powers had reached their full development.

#### Lost Eighty-Five Dollars of His First Money.

Before leaving Boston he wrote to his friend Bingham, "If I am not earning my bread and cheese in exactly nine days after my admission, I shall certainly be a bankrupt." And so, indeed, it proved. With great difficulty he "hired" eighty-five dollars, as a capital to begin with, and this great sum was immediately lost in its transit by stage.

### Forcible Language and Words.

Webster said: "The value, as well as the force, of a sentence depends chiefly upon the meaning, not its language; and great writing is that in which much is said in few words, and the words the simplest that will answer the purpose."

### Not Original.

"He had less originality, whether of intellect or of will, than any other man of equal eminence that ever lived."—Parton.

### His Charges and Income.

He gave advice in important cases for \$20; his regular retaining fee was \$500, his annual retainer, \$100; his whole charge for conducting a case rarely exceeded \$500; and the income of a whole year averaged about \$20,000. Twenty years later he had gained a larger sum than that by the trial of a single cause. But in 1820 such an income was immense, and probably not exceeded by that of any other lawyer in America. He received two fees of \$25,000 each. His last fee was \$11,000. There was one year in his Congressional life when he was kept out of the Supreme Court for four months by the high duty that devolved upon him of refuting Calhoun's nullification subtleties; but even in that year his professional income was more than \$7,000.

### His Extravagance.

Webster had two fancy farms of more than one thousand acres each; kept two hundred prize cattle, and seven hundred choice sheep; llamas, deer, and all rare fowls; a flower garden, one hundred acres in extent, and his books were worth \$30,000; kept two or three yachts and a little fleet of smaller craft; was continually sending money in answer to begging letters, and gave his black man money enough to buy a very good house; added wings to his spacious house at Marshfield, and kept open house there and had half a dozen guests at a time, and died forty thousand dollars in debt.

### A Lawyer's Life.

"Most lawyers in the United States," he once said, "live well, work hard, and die poor."

### His Complexion.

"He had dark, jet black hair and eyes, and a complexion of burnt gunpowder; though all the rest of the children, except one, were remarkable for fairness of complexion and had sandy hair. Ezckiel, his elder brother by two years, was considered the handsomest man in the United States, and had a skin of singular fairness and light hair."—From Parton's "Famous

**SIR RICHARD E. WEBSTER, ENGLAND.**

(1842- —)

Queen's Counsel, Member of Parliament for the Isle of Wight and ex-Attorney General for England in the last Tory administration (a \$35,000 position, together with as much more in fees). Born December 22, 1842, educated at the Charterhouse, King's College, London, and Trinity College, Cambridge, whence he carried away the degree of Bachelor of Arts, third class honors in classics, a fair knowledge of mathematics, the reputation of being the best long-distance foot-racer in the university, and the good will of all. He is a son of the late Thomas Webster, Queen's Counsel, one of the most eminent patent barristers of his day. He was admitted a member of Lincoln's Inn in 1865, and to the bar in 1868, at which he rose rapidly, almost unprecedentedly, and patent, common law, privy council and House of Lords practice flowed in upon him. At thirty-six years of age he was made Queen's Counsel, believed to be the youngest man for many years who has received that high honor. Became Attorney General in 1885 under Lord Salisbury, which was sharply criticised by

the profession as he had appeared in no cause celebre, except the Belt libel action; but he adapted himself easily and quickly. He kept the Law Officer's decisions in patent appeals up to the high level attained under Palmer, Cairns and Herschell.

Although inferior in parliamentary ability to Sir Edward Clarke, he has done herculean service in several critical debates, compelling Mr. Gladstone to hear him in silence during one of the famous Irish nights, and replying to Sir William Harcourt's onslaught upon his conduct before the Parnell Commission with exceptional power. He is one of the great cross-examiners at the London bar, and one of the most hard-working and most successful practitioners in Great Britain. With Sir Charles Russell he represented Great Britain in the late Behring Sea arbitration at Paris, being created a knight of the Grand Cross of the Order of St. Michael and St. George, for his services in that connection.

#### The Howe-Hummel of London.

"It is said that when Sir Richard Webster was crossing the Atlantic in 1893, he encountered, in the smoking saloon, a well-known New York sporting

man, whose appearance and conversation did not convey to Sir Richard any accurate idea of his occupation. The New Yorker was quite elated with the acquaintance and decided to introduce Sir Richard to his wife. The presentation took place on deck, as follows: 'Mary, let me present my friend, Lord Webster, of England, one of the greatest lawyers there. He is the Howe-Hummel of London.'—Sep., 1894, Green Bag.

#### His Enormous Income.

Mr. Webster is said to have received \$100,000 for his services in the Parnell Commission and the Times libel matter.

"He earned, during the legal year which closed last August, about £40,000 (\$200,000), the largest figure even his great professional income has ever reached. His fees in four days at the summer assizes amounted to £3,000. At this rate a colossal sum is soon realized. Sir Richard has certainly made more money at the bar than any man of his time, and few have ever equalled him. He is employed in almost all great mercantile and patent cases where it is generally immaterial how much is spent on counsel's fees."—London Legal Letter: Dec., 1894, Green Bag.



## EDWARD DOUGLASS WHITE, LOUISIANA.

(1845- ———).

Appointed February, 1894, an Associate Justice of the United States Supreme Court, by President Cleveland, to succeed Mr. Justice Blatchford. Born in November, 1845, on his father's plantation in the parish of Lafourche, Louisiana. His grandfather, James, was a judge of Western Louisiana in the early part of the century, and his father, Edward Douglass, was a Tennessean and a lawyer, who served Louisiana ten years as Congressman and four years as Governor. He was educated at Mount St. Mary's College, Emmitsburg, Maryland, Georgetown College, D. C., and the Jesuits' College, New Orleans. He served at nineteen in the Confederate army; studied law with the late Chief Justice Edward Bermudez, of the Louisiana Supreme Court, was admitted in 1868, served as State Senator, 1874-1878, and was appointed, 1878, an Associate Justice of the State Supreme bench, where he served two years. He was elected, in 1888, to the United States Senate, where his term of office would have expired in 1897.



**EDWARD DOUGLASS WHITE,**  
Associate Justice of the United States Supreme Court  
From a Photograph by Bell Washington D C



Mr. White was one of the most effective campaign orators in the State, and did heroic work for Governor Nicholls, in 1876, canvassing the State from one end to the other. In the United States Senate, from the first, he was recognized as a leader in the councils of the Nation. His nomination for the bench was immediately confirmed, although the names of Mr. Hornblower and Mr. Peckham had been rejected. He was a member of the law firm of White, Parlange and Saunders, of New Orleans, one of whose members recently made a rise from Lieutenant Governor to the State Supreme bench, and then to a United States District Judgeship. He was until recently a bachelor, is a Catholic in religion, and a man of means, being the owner of extensive and valuable real estate in New Orleans, and president of the Lafourche Sugar Refining Company, which operates one of the largest factories in the entire sugar belt. He is the youngest judge on the bench, and with the exception of Justices Field and Harlan, entered upon his duties at a younger period than any of the justices now living.

## WILLIAM WIRT, MARYLAND.

(1772-1834.)

Twelve years Attorney General of the United States—a longer time than ever held by any other person. Born at Bladensburg, Maryland, November 8, 1772; died at Washington, February 18, 1834, aged sixty-one. Lost both his parents (one Swiss, the other German) before he was eight years old. He managed to get a good education through the kindness of friends and by his own exertions. Was a private tutor, read law, was admitted at twenty and settled at Culpeper Court House, Virginia. Practiced in various parts of that State, chiefly at Richmond, where he won his first real distinction in the famous trial of Aaron Burr for high treason, in 1807, at thirty-five years of age. His forensic ability and eloquence in that prosecution, at the selection of Jefferson, gave him a national reputation. He was Attorney General under three successive administrations, 1817-1828. After retiring from this office he removed to Baltimore, where he resided till death,

Some of his most noted cases were: The Burr trial; the Dartmouth College case, being opposed by Webster; Gibbons v. Ogden, in which he was associated with Webster; McCulloch v. Maryland, involving the right of the State to tax the United States Bank, in which Pinkney made his great effort—Pinkney, Webster and Wirt on the one side, and Martin, Jones and Hopkinson on the other; the Cherokee Indians' case in the Supreme Court, in 1831; the successful defense of Judge James H. Peck, before an impeaching Senate; and the Hubbard-Brooks case, before the Massachusetts Supreme Court.

"The Supreme Court of the United States has been aided by his diligent research and lucid reasoning," said Marshall. "His career has been one of the longest and most brilliant in the United States," added Webster. He was candid, confiding and credulous. Of estimable character, great talent, masterly ability, cultivated mind and taste, and gentle and just nature. He was tall, weighed at one time two hundred and twenty-five pounds, handsome, a royal friend, a princely entertainer, a fine writer, and an orator of the old school.

## Patrick Henry's Eloquence.

"Patrick Henry's eloquence was poured forth from inexhaustible resources, and assumed every variety of hue, and form and motion that could amaze or persuade, instruct or astonish. Sometimes it was the limpid rivulet murmuring down the mountain side and winding its silver course between margins of moss—then gradually swelling to a bolder head it roared in the headlong cataract and spread its rainbows to the sun; now it moved on in tranquil majesty, like a river of the West, reflecting from its polished surface, forest, and cliff, and sky—anon, it was the angry ocean, chafed by the tempest, hanging its billows, with deafening clamors, among the cracking shrouds, or hurling them in sublime defiance of the storm that frowned above."—Wirt's Life of Henry.

(Jefferson thought the above passage "a little too poetical;" Judge Parker: "There was rather too much of it;" Judge Brockenborough thought it "too flowery;" Judge Cabell thought Jefferson's criticism "groundless;" Mr. Upshur, to whom Wirt read it, pronounced it "beautiful." Mr. Clark, to whom it was read, with tear-filled eyes and rapturous admiration, swore that "that was the very kind of writing that had made the British Spy so popular." Wirt himself was at a loss how to decide, but thought he would "hazard it, though not without fear and trembling." Said he would "rather have faults than to have no beauties. And who that ever had beauties

was without fault. The most beautiful author in the world is, perhaps, the fullest of faults—Shakespeare.”

#### Friendship and Love.

“I derive comfort from the thought that my stars have never yet thrown me upon a soil too cold or barren for friendship or love.”

#### The Being of a God.

“Could the tick, which invades and buries itself in my foot, conceive or describe the anatomy of my frame? Could the man who has passed every moment of his life at the foot of the Andes, paint the prospect which is to be seen from its summit? No more, in my opinion, can reason discuss the being of a God, or the reality of that miracle, the Christian faith. If you ask me why I believe in the one or the other, I can refer you to no evidence, because I must refer you to my own feelings.”

#### Jonhson's Lives.

“I have been reading ‘Johnson's Lives of Poets and Famous Men,’ till I have contracted an itch for biography.”

#### Dropping Into Water Like Stone.

“The idea has always been very dismal to me, of dropping into the grave like a stone into the water and letting the waves of time close over me, so as to leave no trace of the spot on which I fall.”



## Jefferson.

"If you knew Mr. Jefferson personally and intimately, you would know him to be among the most simple and artless characters upon earth."

## Common Sense.

"Common sense is a much rarer quality than genius. Common sense instructs us when to speak, when to be silent, when to act and when to be still—and, moreover, it teaches us what to speak and what to suppress, what to do and what to forbear."

## His Early Library.

When he began practice his library consisted of Blackstone, Don Quixote and Tristram Shandy.

## First Case.

He was successful in his first case.

## A Man of Fashion When Young.

When he first began practice he was gay and companionable.

## Honor Empty.

Said when made Chancellor at twenty-nine: "This honor of being Chancellor is a very empty thing, stomachically speaking; that is, although a man may be full of honor, his stomach may be empty; or, in other words, honor will not go to market and buy a peck of potatoes."

## Honor and Family.

"Honor and glory are indeed among the strongest attractions, but the most towering glory becomes dust in the balance when poised against the happiness of my family."

## Madison Defended.

Wirt said, Madison being accused of a want of energy, that he stood up against Patrick Henry's opposition to the Constitution and carried the day in Virginia; that he resisted infraction of the Constitution by even Washington. Said he: "But if true energy be evinced, as we think it is, by the calm and dignified, yet steady, zealous and persevering pursuit of an object, his whole conduct during the debate in Congress during the adoption and first years under the Federal Constitution, and while he was in the minority, is honorably marked with energy. And that energy rested on the most solid and durable basis—conscious rectitude; supported by the most profound and extensive information, by an habitual power of investigation which unraveled with intuitive certainty the most intricate subjects, and an eloquence, chaste, luminous and cogent, which won respect, while it forced conviction. Your idea of energy is a constitutional irritability—you indulge it, and you call that indulgence energy. Sudden fits of spleen—transient starts of passion—wild paroxysms of fury, the more slow and secret workings of envy and resentment—cruel taunts and sarcasm—the

dreams of disordered fancy—the crude abortions of short-sighted theory—the delirium and ravings of a hectic fever—this is your notion of energy. \* \*

\* Wretched, most wretched is the fate of that writer or that man who deserts the plain highway of conscience and of candor, for the dark and crooked mazes of intrigue and cunning of trick and misrepresentation; he may, as the wise son of Sirach has said, ‘work his way for a time, like a mole under ground, but by-and-by he blunders into light and stands exposed with all his dirt upon his head.’ ”

#### Capacity and Inclination.

“I believe nature never yet gave the capacity without the inclination.”

#### Longing for General Literature.

All other pursuits were subordinate to the great object of his ambition—a well-merited renown in his profession. But he said of his desire for general literature: “To be buried in law for eight or ten years, without the power of opening a book of taste for a single day! O, horrible! horrible! most horrible! O, for that wealth that would enable me to wander at large through the fields of general literature, as whim or feeling might direct, for days and weeks and months together, and thus to raise, enlighten and refine my mind and heart, until I became a fit inhabitant for those brighter fields of light that lie above us.”

## Love and Friendship.

"Love is the tenor of life's music and friendship its bass."

## Indolence Causes Paucity of Great Men.

"I believe the paucity of great men in all ages has proceeded from the universality of indolence. Indolence is natural to man, and it is only the brave few who can 'clear the copse at a bound,' break over the magic bourne and stretch away with 'an eye that never winks and a wing that never tires,' into new regions and new worlds, who distinguish themselves from the crowd, and rise to glory that never fades."

## Advice to Francis Gilmer, a Young Lawyer.

"You cannot conceive how much the mastery of our State decisions will place you at your ease, and what vantage ground it will give you over the generality of your profession. The law is to many, at first, and at last, too, a dry and revolting study. It is hard and laborious; it is a dark and intricate labyrinth, through which they grope in constant uncertainty and perplexity—the most painful of all states of mind."

## Restraint.

"Mr. President, there is no good that does exist or can exist unless guarded by restraint. The best things that we enjoy, the noblest qualities that we possess become vicious by excess. Mercy degener-

ates into weakness, generosity into waste, economy into penury, justice into cruelty, ambition into crime. \* \* \* Look where you will, then, sir; above you, around you, below you, you see that the great conservative principle is restraint, that same restraint which holds human society together."—From speech in defense of Judge Peck on impeachment before United States Senate, 1831.

### Levity, Folly and Trifling.

"You ought to spend a portion of the day in levity and folly, with as little exertion of thought as possible. It is not only sweet, but useful to trifle occasionally. The bow of Apollo will not bear perpetual stretching. A fellow who, both in conversation and solitude, is perpetually on his high horse, may make a very good Centaur, but he will not do long for a man."

### A Lawyer's Fame on Slippery Basis.

"The fame of the greatest lawyers, so far as it is built up in the active labors of the forum, rests proverbially upon a most slippery basis."

### The Wife of Blennerhasset.

"Blennerhasset's enchanted island is destined soon to relapse into a wilderness; and in a few months we find the beautiful and tender partner of his bosom, whom he lately 'permitted not the winds of' summer 'to visit too roughly,' we find her shivering at mid-

night on the wintry banks of the Ohio, and mingling her tears with the torrents, that froze as they fell.”—From Wirt’s Speech in prosecution of Aaron Burr for treason.

Advice to a Young Friend as to Legal Arguments.

“In your arguments at the bar let argument strongly predominate. Sacrifice your flowers, and let your columns be Doric, rather than Composite—the better medium is Ionic. Avoid, as you would the gates of death, the reputation of floridity. Small though your body, let the march of your mind be the stride of a seven-leagued giant.”

Reader of General Literature.

Was a diligent student of literature, as well as law—especially of Bacon, Boyle, Hooker, Locke, and the fathers of English literature, among the moderns, and among the ancients, Quintilian, Seneca and Horace; and a pocket edition of the latter poet, well thumbed and marked, was his constant companion upon his journeys.

Florida Land Scheme.

There is no incident in his life that so fully portrays his character as the Florida speculation in “Wirtland,” as he called it, where he bought large tracts of land, sent a colony of one hundred and fifty Germans, under his son-in-law, and spent thousands of dollars after his sixtieth year, and yet felt more disposed to laugh than cry over the result.

### Jefferson on Wirt's Life of Henry.

Jefferson said he was undecided where to put Wirt's Life of Henry in his library—under history or fiction, but thought it belonged under the latter.

### Examining a Credulous Witness.

Mr. Wirt was once cross-examining a very learned, but credulous witness, and asked him if he had ever read "Gulliver's Travels." The witness said he had. "Do you believe they are true?" said Mr. Wirt. "Well, I always supposed they were," said the witness. "Did you ever read Robinson Crusoe?" "Yes." "Do you think Crusoe lived nearly all his life on that island?" "Well, I never saw any reason to doubt it." "Did you ever read Baron Munchausen?" "Yes." "Do you believe his adventures were true?" "I always supposed so. I never saw any reason why the author should lie about those travels." "That is all," said Mr. Wirt. The witness started to leave the witness stand. "Wait a minute," said opposing counsel. "Did you ever read Wirt's 'Life of Henry?'" "O, yes, I have read it very carefully." "Do you believe it is true?" "Well, I don't know about that; I think there is a great deal of doubt on that score."

### Reading.

"Get a habit, a passion for reading; not flying from book to book, with the squeamish caprice of a literary epicure; but read systematically, closely,

thoughtfully, analyzing every subject as you go along and laying it up carefully and safely in your memory. It is only by this mode that your information will be at the same time extensive, accurate and useful."

#### His Reply to a Doubter as to a Legal Authority.

Being questioned by opposing counsel as to a citation, Wirt replied in his most vigorous manner: "Sir, I am not bound to grope my way among the ruins of antiquity, to stumble over obsolete statutes and delve in black letter lore in search of a principle written in living letters upon the heart of every man."

#### Wirt's Youthful Intemperance.

In his early married life Wirt was so dissipated that his wife soon died from mortification. He moved to Richmond, but his old habits clung to him. He was advised to again marry, and accordingly paid his addresses to Miss Gamble. After some months he asked her hand in marriage. She replied: "I have been aware of your intentions for some time, and should have given you no encouragement had I not reciprocated your affection, but I can not yield my consent until you pledge me never to taste, touch, or handle intoxicating liquors." This was regarded by him a bar to further considerations. But her course to him was the same as ever, and he renewed his solicitations. Her reply was that her mind was made up. Regarding the terms insulting to his honor, he took to drinking again, and seemed to rush



head-long to ruin. One day, while lying dead drunk in the outskirts of the city, a young lady, whom it is not necessary to name, was passing, and beheld his upturned face in the scorching sun. She placed her lettered handkerchief over it. In a few hours he awoke, repaired to the grog-shop near by, discovered the name, and exclaimed: "Who left this on my face?" He dropped the glass and left, vowing if God gave him strength, never again to touch a drop of liquor. To meet Miss G. again was the hardest effort of his life, and when he saw her coming he would dodge around the nearest corner. At last she dropped him a note, inviting him to her home. Gathering courage, he accepted, and told her if she yet bore affection for him, he would agree to her own terms. Her reply was: "My conditions are what they have ever been." "Then," said he, "I accept them." They were married, he kept his word, his affairs brightened, and honors showered upon him.—Adapted.

## EDWARD OLIVER WOLCOTT, COLORADO.

(1848- —).

Descended from the Puritan, Henry Wolcott, who settled in Connecticut in 1630, and from the Oliver Wolcotts, father and son, he is by inheritance a typical American, and by disposition a representative of our young genius, which has come to manhood since the war. Born at Longmeadow, Massachusetts, March 26, 1848, educated for college at Cleveland, Ohio, and Norwich, Connecticut; a hundred days, when sixteen, in the war, in the One Hundred and Fiftieth Ohio volunteers; he entered Yale in the class of 1870, graduated in law at Harvard, in 1871, and moved to Colorado, where he was admitted, 1872, teaching at Black Hawk prior thereto. Prosecuting Attorney of the First Colorado district, 1876; State Senator, 1879-83; and United States Senator, 1889, by the largest majority ever given in a Republican caucus.

He has been prominent in the mining and corporation litigation of Colorado, and has long enjoyed,

probably, the most lucrative practice in the State. A successful practitioner, he is especially conspicuous for his skill in organization and business negotiations. He has for years been counsel for the Chicago, Burlington and Quincy and the Denver and Rio Grande railways, and many other corporations. His gift as an orator came to national notice in 1887, at the New England Society, in New York city, in response to the toast, "The Pilgrim in the West." Other notable speeches are those on the Force bill, in the silver debate, in the nomination of Blaine for President in 1888, and his scathing remarks on the Coxey movement, in 1894. His voice is resonant, inspiring and especially adapted to great audiences. His speeches, short, and never made unless to deliver a message, abound in trenchant and cutting expressions. He is best appreciated in private life; a rare conversationalist, a lover of books and the fine arts, he is a most entertaining host. His private library is especially rich in rare books and curiosities of literature. He is president of the Washington Yale Association, and a prominent member of many leading organizations throughout the country.

## Buys Books From Abroad.

"Publishers in England and in Paris keep him constantly supplied with new publications, and large numbers of books are shipped to him (on refusal) by the McClurg house of Chicago. It is hard to find an old and curious book that he has not read. Not long ago three copies of Father Sinistrari's 'Demonality' came to Chicago from Paris; two copies were snapped up locally and the third was forwarded to Mr. Wolcott as a rarity. Presently, however, the book came back, with a message that he already had the book, having secured it from Paris in 1879, the year of the publication of this reprint. He makes no show of his books, and puts them away when he has read them, and it is probable that he has at least 15,000 volumes boxed up and stored. He has a general way of saying to a friend, 'Do you like that book? Well, then, put it in your pocket. If there is any other volume that you think will be of use to you, take it along.'"—Eugene Field, in *Chicago News*, 1891.

## Socialism.

When the Allen "Coxeyite" protection resolution was called up in the Senate in April, 1894, Mr. Wolcott said:

"I am tired of this talk of national demonstration. In Colorado to-day, crushed and humiliated as she is by the action of Congress, I venture to say no man is suffering because he can find no work or

no willing hands to assist in supporting him until work can be found for him. I believe the time has come when those of us who are in public life ought to begin to cultivate more regard for the perpetuity of republican institutions, and to pander less to that miscalled portion of the labor vote, whose labor is with their throats and never with their hands. It is time we stood up for American manhood, for the right of every man to work if he wants to, if it takes the whole army of the United States to enable him to do so. The right of every man is to enjoy equal liberty with every other man, and that means he shall have such liberty as is not inconsistent with equal rights of his neighbor; the right to hold and enjoy the property which the laws of the country have enabled him to secure. It is time we had the courage to stand together against this socialism, populism and paternalism which is running riot in this country, and which must end (if not crushed), in the destruction of liberties which the laws give us, liberties which should be dearer to us than life itself."

#### A Bookish Man.

"Senator Wolcott of Colorado has for a number of years had a pew in the Saints and Sinners' corner at McClurg's. In other words, he is a confirmed bibliomaniac. Ten years ago he had the largest private library in Colorado. He buys books much as Gladstone does. He must be reading up in and about Heine, just now, for at McClurg's the other day it did

our eyes good to see a list of Heine's books ordered by him. The list included perhaps forty different publications. Taking up a subject, Wolcott quickly exhausts it, for he buys all the reading there is to be had upon and in connection with it, and he reads it; he has a remarkable memory, and his faculty of possessing himself almost immediately of what is between the covers of the book he picks up is simply phenomenal. Senator Wolcott is said to defer largely in his opinions and selections of books to his wife, a lady of extraordinary culture and intellectual strength and brilliancy."—Eugene Field.

#### Mr. Wolcott to Succeed Himself as Senator.

The Republican members of the Legislature of Colorado, in joint caucus, have unanimously nominated Senator Wolcott to succeed himself. This positively assures his re-election.

#### Books About Napoleon.

He has a fad for books about Napoleon. He has four hundred of them in his library and is seeking for two hundred and fifty more.

## JAMES M. WOOLWORTH, NEBRASKA.

(1830- ———).

James M. Woolworth was born in Onondaga county, New York, June 28, 1830. He was graduated from Hamilton College, in 1849, and from the Albany Law School in 1854, in which year he was admitted to the bar of the State of New York. He answers the following description, which has been given of Alexander Hamilton: "Below the medium height, slender, almost delicate in frame, instinct with life and erect." Of great physical vigor, his powers of protracted and severe effort are very great. His genius is the only kind of which Hamilton had knowledge, "Capacity for work." He has profound learning in his profession, and a large capacity to concentrate and utilize the learning of the books; is skilful in argument and a tactician of the first rank. He has always been foremost at the Nebraska bar, and the list of cases involving great interests in which he has been engaged would largely cover celebrated causes in his State. He has been engaged in many great cases in neighboring States, and for more

than fifteen years has argued causes in the Supreme Court of the United States, at almost every term; very many of the cases which he has argued in that court have been leading and most important; and he holds high rank at the bar of that court. He has been a lecturer in the Law Department of the University of Nebraska, and a member of the Legislature and of the constitutional convention. Always a Democrat, he was at one time the candidate of his party for Chief Justice of the State.

He removed to Omaha in 1856, where he has since lived a stainless life and enjoyed the profound respect of his fellow-citizens, and the admiration of the bar. Racine College conferred upon him the degree of LL.D., the University of Nebraska that of LL. D., and Trinity University, Toronto, Canada, that of D. C. L. For twenty-five years he has been a delegate to the general convention of the Episcopal Church, a member of its most important committees and chairman of the committee of the whole.



## Pen Picture of Samuel F. Miller.

"But in truth his was a very gentle nature. His sympathies were active and very warm. He rejoiced with those who rejoiced, and he wept with those who wept. You may know how lively were his sensibilities from the reading by which he refreshed himself: certain of the English poets and the Waverly novels were his delight from his boyhood, and he was never too old to enjoy tales that were picturesque and full of character and pathos. He was a very human man; he loved the wit of pithy speech and anecdote, the music of song and string, the speed of the horse, the game of endless combinations and various chance and skill, the pleasures of the table, and the splendor of a noble woman. But in nothing was he so human as in the love of his friends. Misfortune, even wrongdoing, did not turn his face from them; his charity was boundless, and he would brave the world in giving them a succor that was chivalrous. It was a duty of piety with him to answer the request for help which came from the children and the children's children of his early friends, and his delight was to talk to them and of those whom he long had loved." —Extract from remarks made in the United States Circuit Court for the District of Nebraska, at Omaha, November 14, 1890.

[The End.]

## ERRATA

### VOL. II.

Page 1, lines 9 and 10. expunge. "Mr. Harlan is also the father-in law of Robert Lincoln", the Rev James Harlan, of Iowa, standing in that relation to Mr Lincoln.

Page 3, lines 6 and 7, for "Stover" read "Storer".

Page 10, line 23, for "Kimberley" read "Kimberly".

Page 11, line 1, for "Roseberry" read "Rosebery".

Page 169, line 22, for "that" read "than".

Page 229, line 16, for "frame" read "fame".

Page 307, line 17, for "they would knock together" read "they would not knock together"

Page 329 expunge lines 2 to 6 inclusive

Page 354, line 25, for "*Et tu quoque, mi fili,*" read "*Et tu quoque, mi fili!*"

